



**Town of Twisp
Council Meeting**

Tuesday, June 27, 2023 – Time: 5:30 PM

**Location: Twisp Civic Building
118 S Glover St.**

If you would like to attend to the meeting online via computer, tablet, or smartphone, please visit our website and follow the link to join or navigate to the following

URL: <https://meet.goto.com/209471861>

If you would like to listen to the meeting over the phone, please use the following number: **[+1 \(872\) 240-3412](tel:+18722403412)**

Access Code: [209-471-861](#)

Anyone who wishes to make a verbal public comment may register in person before the meeting, or with the Clerk's Office via phone 509-997-4081 or email clerktreasurer@townoftwisp.com before 3:00 PM on the day of the meeting. Public Commenters must provide their name, address, and the topic of their comment. At the designated time, commenters will be called on by the Mayor. Comments will be limited to three (3) minutes in length.

Public comments may also be submitted in writing in advance of the meeting (via email to clerktreasurer@townoftwisp.com or dropbox at Town Hall) and must contain the Commenter's name, address, and comment. Written comments will NOT be read aloud at the meeting, but will be included on the meeting minutes.

Per TMC 14.05.070 5 (b) "The closed record appeal/decision hearing shall be on the record before the hearing body. If the appeal is on a Type II, III, or IV permit, no new evidence may be presented."

The Council WILL NOT be accepting public comments on or related to the Orchard Hills Planned Development agenda item.



**Town of Twisp
Council Meeting Agenda
Tuesday, June 27th, 2023 – Time: 5:30 PM**

Call to Order and Roll Call

Pledge of Allegiance – Council Member (Mayor's Request)

Request for Additions &/or Changes to the Agenda

Public Comment Period

Note: Per TMC 14.05.070 5(b) - (b) "The closed record appeal/decision hearing shall be on the record before the hearing body. If the appeal is on a Type II, III, or IV permit, no new evidence may be presented."

The Council WILL NOT be accepting public comments on or related to the Orchard Hills Planned Development agenda Item.

Routine Items:

- Mayor's Report
- Staff Reports
- Committee/Commission/Board Reports
-

New/Old Business:

- **Discussion/Action:** Orchard Hills Planned Development Closed Record Hearing
- **Discussion/Action:** Okanogan County Solid Waste Plan Agreement
- **Discussion/Action:** Twisp Townhomes PD 22-01 – Request to Withdraw Preliminary Approval
- **Discussion/Action:** Twisp Sewer System Improvements USDA Subsequent Funding Letter of Conditions
- **Discussion/Action:** Public Works Board Application Certifications
- **Discussion/Action:** ECGY Funding Agreement – WQC-2022-TwisPW-0057 – Wastewater Treatment Plant

Consent Agenda:

1. Accounts Payable/Payroll

Adjournment

TOWN OF TWISP
TOWN COUNCIL CLOSED RECORD DECISION HEARING
ORCHARD HILLS PLANNED DEVELOPMENT APPLICATION

This summary is provided to the Twisp Mayor, the Town Council and staff as a summary of the issues and procedures relating to the Closed Record Decision Hearing ("Hearing") to be held regarding the Orchard Hills Planned Development Application ("Application").

1. Code of Ethics and Appearance of Fairness.

RCW 42.23.070 establishes a Code of Ethics for all municipal officers which require that the municipal officers do not disclose confidential information related to the Application and may not receive any compensation or special privileges associated with their position as a municipal officer relating to the Application.

The "Appearance of Fairness Doctrine" as contained in RCW 42.36, essentially states that when the Council is sitting in a quasi-judicial manner, as is the case here, it must be conducted by impartial decision makers. RCW 42.36.090 does allow a challenged member or members of the Council, which would cause a lack of quorum or result in the failure to obtain a majority vote as required by law, to fully participate in the proceeding and vote as though the challenge had not occurred if the member or members publicly disclose the basis for disqualification prior to rendering a decision. If a challenge is made on this basis, the Council has the ability to proceed under the statute as outlined above. A challenge would have occurred if made by a person prior to this Hearing, and part of the record. Even without a challenge, if any Council members believe that facts exist which may violate the Appearance of Fairness Doctrine as it relates to their participation, and their recusal would cause a lack of quorum or failure to obtain a majority, it is my recommendation that the facts be disclosed prior to rendering a decision on the Application.

2. Process and Procedure.

Pursuant to Table 1 under Chapter 14.05 of the Twisp Municipal Code (“TMC”), this Hearing is a Type IV procedure, which includes a recommendation by the Planning Commission and a final decision by the Town Council. Under Table 1, this matter is before the Town Council as a closed record hearing.

3. Procedure for Hearing.

Under TMC 14.05.070(5)(c), the Hearing shall be on the record. “On the record”, means no new evidence may be presented and the Council makes its decision from the underlying record. TMC 14.05.070 also provides that appeals of the Town Council’s decision on the Application are made by a Land Use Petition to Okanogan County Superior Court.

4. Town Council Action.

Pursuant to TMC 18.45.060(5), upon receipt of the Planning Commission’s recommendation, the Council may summarily approve the recommendation of the Planning Commission, without significant changes, or set a date to consider the recommendation. At this preceding Council meeting the Council set this Hearing date. At such Hearing, which occurs during a public meeting, the Council is required to review the Application, the recommendation of the Planning Commission with accompanying Findings of Fact and Conclusions, the minutes of the public hearing or hearings held by the Planning Commission, a summary of the comments received on the PD Application or the Comments themselves, environmental information pursuant to SEPA, and other relevant evidence in the record.

Since the Council did not vote at the preceding meeting to summarily approve the recommendation of the Planning Commission, without significant changes, under TMC 18.45.060, the Council was to set a date for a public hearing. However, WAC 197-11-680, which was enacted subsequent to TMC 18.45.060, places a restriction on the Town that there can be no more than one (1) open public hearing. Because of the conflict between TCM 18.45.060 and WAC 197-11-680, the Town is following state law, which preempts the Town’s

Municipal Code and is only holding a closed record hearing as required by TMC 14.05, rather than a public hearing.

Under TMC 18.45.060(5) if another public hearing was held, the Council is authorized to approve, conditionally approve, or disapprove the Application, or revised version thereof, as long as findings of fact and conclusions are completed to support such decision. The Town is applying these options to the Hearing, even though it is a closed record hearing. Regardless of the option selected, the Council must adopt findings of fact and conclusions to support the decision.

5. SEPA-MDNS.

A Mitigated Determination of Non-Significance ("MDNS") was prepared regarding this project. The Council is required to review the environmental information pursuant to SEPA, which includes the SEPA Checklist, MDNS and supporting documents and/or comments made specifically regarding the SEPA Checklist as part of its proceedings. RCW 43.21C.075(3) states that if the Town has a procedure for appeals of Town environmental determinations made under RCW 43.21C, you use that procedure. TMC 16.05.120, Mitigated DNS, has no procedure for appeals. TMC 16.05.200(5) states that when a proposal "not requiring a decision of the Town Council is conditioned or denied on the basis of SEPA by a non-elected official, the decision is appealable to the Town Council". However, in this instance, the decision of the Town Council is required, so this appeal provision does not apply.

TMC 16.05.190 adopted WAC 197-11-680, Appeals, by reference. In reviewing WAC 197-11-680(1), it states that the appeal provisions in SEPA are found in RCW 43.21C.060, 075 and 080. RCW 43.21C.060 has the same provisions as TMC 16.05.200(5), but only applies to a proposal not requiring a decision of the Town Council. RCW 43.21C.075(2)(a) states that appeals under the Chapter (SEPA) shall be the governmental action (PD) together with any

accompanying environmental determination (MDNS). It goes on to state under (2)(b) that appeals of environmental determinations made under the Chapter (SEPA) shall be commenced within the time period to appeal the underlying action (PD). RCW 43.21C.080(2)(a) requires the time period to commence appeals within 21 days of the last publication date. However, it provides for an exception for appeals under RCW 43.21C.075(5)(a), which this is. On this basis, the Town has determined that the appeal period should be the same as the time period to appeal the Council's decision on the PD, which allows them to be consolidated into one action, if necessary.

Because the MDNS was issued with an appeal deadline which coincides with this Hearing, if the Council intends to continue or delay the Hearing, the existing MDNS will be required to be withdrawn and a new MDNS issued which reflects the revised appeal.

6. Suggested Script.

The Mayor shall announce the following:

- A. The closed record decision hearing of the Twisp Town Council is now open.
- B. This closed record decision hearing is governed by Twisp Municipal Code Sections 14.05.070 and 18.45.060. This closed record decision hearing shall be on the record, which means that no new evidence may be presented tonight, and the Council makes its decision from the materials provided that make up the underlying record, as well as input and questions from Town staff relating to the record.
- C. The Council members may deliberate and speak between themselves. Any comments made from other locations will be considered "out of order" and can result in removal from this closed record decision hearing. Out of respect for the Council members comments and deliberations, no unruly behavior such

as applause, booing, harassing remarks or other audience participation during this closed record decision hearing will be tolerated.

D. The Town planner and Town staff have presented the materials for review by the Council.

After making the above announcements, the following order of procedure occurs:

- Questions from members of the Council to staff regarding materials of record.
- Presentation of Town staff regarding materials making up the underlying record (optional).
- If there's no other questions of the Council members, the closed record decision hearing is closed.
- Mayor asks "Is there an affirmative motion by any Council member"? A second? Discussion? Any further discussion? Any final comments or recommendations for the administration?" (At this point the Council's decision is outlined.)
- Call for vote.

TOWN OF TWISP
STAFF REPORT
ORCHARD HILLS PLANNED DEVELOPMENT

TO: PLANNING COMMISSION
FROM: KURT DANISON, TOWN PLANNER
SUBJECT: FINAL PLANNING COMMISSION STAFF REPORT
DATE: 5/17/23
CC: PALM INVESTMENTS NORTH LLC – PD22-02

Applicant: Palm Investments North LLC

Parcel #: 3322170391

Project Description:

Palm Investments North LLC proposes, through a Planned Development (“PD”) permit (Chapter 18.45 TMC), to divide a 16.81acre site (parcel number 3322180099), located west of the Painters Addition to Twisp in the western half of the Town of Twisp, into 52 individual single-family residential lots ranging in size from 3,630 sq ft to 8,903 sq.ft. with 3 open space tracts of 8,390 sq.ft., 116,669 sq.ft. and 171,156 sq ft. The applicant proposes engineering and installation of water, sewer, stormwater, irrigation and street infrastructure compliant with the Town’s Development Standards and installation of power and telecommunication infrastructure engineered and installed to the appropriate entities (Town, PUD, MVID, telecom) requirements.

Chronology:

Representatives of the Palm Investments North, LLC (“LLC”) contacted the Town in late 2021 with discussions centered on land use regulations and processes and public utility availability and capacities. Over the following year, the LLC begin detailed planning and discussions with Town Staff on code requirements. Several pre-application conferences were held during the winter of 2021/22 with an application submitted in May 2022 that was declared complete by the Town on May 26, 2022.

A public hearing before the Planning Commission was set for July 13, 2022 with a Notice of Application (published in Methow Valley News on June 1, 2022 and posted on the project site). A SEPA Determination of Non-Significance (DNS) was published on June 1, 2022 as well.

During the public review process prior to the July 13th planned hearing the Town received numerous comments on the PD application and 3 appeals of the SEPA DNS. As a result of the scope and scale of the comments, the Town withdrew the SEPA DNS, requested that the applicant prepare a revised application and SEPA Checklist and postponed the public hearing until August, that was subsequently postponed until September then postponed indefinitely until the revised application and SEPA checklist were submitted and accepted as complete.

The revised application, SEPA checklist and numerous special studies were submitted in late December of 2022 and accepted as complete by the Town on January 5, 2023. A Mitigated Determination of Non-Significance was signed by the Town on January 23, 2023 with a comment/appeal period ending on February 22. The Town received letters from 9 individuals who labeled their comments as a SEPA Appeal.

A public hearing before the Town's Planning Commission was set for February 8, 2023 which was continued until March 8 due to the comment/appeal period for SEPA not ending until February 22, and then to April 12 for the same reason.

Role of the Planning Commission:

The Planning Commission's role in the review process for a Planned Development is to hold the single open record public hearing as required by 14.05 TMC. The Commission's task is to review written or oral comments received during the public review process, interpret the comprehensive plan and zoning regulation, and prepare a recommendation to the Town Council on whether to grant preliminary approval of the PD, approval with conditions or deny the request.

18.45.060(4) provides the following guidance for the Commission once the public hearing is closed:

(4) Planning Commission Recommendation. Within 30 days after conclusion of the hearing on a preliminary development plan application (including any continued hearing), the planning commission shall recommend approval, conditional approval, or disapproval of the application. The recommendation of the planning commission shall be in writing, with all conditions of approval (if any) precisely stated, and shall be accompanied by findings of fact to justify such recommendation. Conditions may include, but shall not be limited to, change of types of uses, limitations on density, change in locations of improvements or uses, provision for pedestrian trails, conveyance of land, money or other property to the town for the purpose of providing public facilities, services or other mitigation needed, and/or the monitoring of development proposed or specific impacts therefrom. The planning commission may recommend disapproval of the application if, in the opinion of the commission, impacts from the proposed project cannot be mitigated sufficiently to assure maintenance of the public health, safety and welfare, or if the comprehensive planning goals and/or the policies and objectives stated in this title are not met. When the application calls for construction or alteration of roads, utilities, or other improvements for which public agencies would have responsibility for completion should the developer fail to complete them adequately, or when the application or the recommendation of the planning commission conditions the project on improvements or changes to mitigate anticipated adverse impacts from construction, and when such required improvements will not be completed at the time of final approval of the plan, the planning commission shall recommend to the town council that a bond or other acceptable security be required of the developer in an amount equal to at least 120 percent of the estimated cost of the required improvements. If the development is to be done in stages, the planning commission shall ensure that open spaces and facilities proposed for the entire development be developed or committed in proportion to the impact and needs of each phase of construction of the development.

Applicable Codes and Town Standards:

Preliminary approval of a Planned Development Permit is a Type IV action. The application,

contents, review process, timelines and public hearing for the proposed PD is required by Chapters 18.45 and 14.05 of the Twisp Municipal Code. The following excerpts from the Comprehensive Plan and Zoning Code provide the planning goals and regulations that govern the PD process.

It is important to note that the Town has to use and follow the adopted plans and regulations that are in place at the time an application is accepted as complete, not what folks believe what the plans and regulations should be. There is a formal process for amending the Town's Comprehensive Plan and implementing regulations which can be pursued in a variety of ways, but any such changes will not impact this development.

Comprehensive Plan - Property is designated as R-1 Low Density Residential

Land Use Goals: The Twisp Comprehensive Plans provides the following overall land use goals:

1. Encourage the growth of the community that will ensure the general health, safety and welfare of the citizens of Twisp while protecting individual choice and the integrity of the natural environment. Promote the concentration of urban life within the town and promote the "rural" residential character of the town.
2. Coordinate land use with circulation routes and public facilities in promoting the convenience, efficiency, health, and welfare of the town. Provide for pedestrian connection of neighborhoods.
3. Protect and help develop desirable public and private investments in land and improvements.
4. Maintain and enhance the composition of the town as a vibrant tourist, commercial, and residential center.
5. Preserve open space. Both public and private lands can be considered open space, including, parks, farmlands, playing fields, forested hills, wetlands, and public right-of-ways. These special features contribute to Twisp's small-town atmosphere, offer visual relief and separation from urbanized areas, and serve as natural systems which protect surface and ground water, and air quality. Also, open space provides and maintains valuable wildlife habitat.
6. Promote the Methow and Twisp River frontages as a valuable economic and recreation source.
7. Provide safe and convenient access for differently-abled people, pedestrians, and bicyclists.

General Principles for Development:

1. Residential Areas – Residential areas should be varied in density, dwelling types, and design to provide a maximum range of choice to meet the needs of diverse family sizes, age groups, and income levels.
5. Resource Lands, Critical Areas and Shorelines – Critical areas should be designated where natural features such as wetlands, floodplains, steep slopes and other critical areas preclude or require special considerations for residential, commercial or industrial development.

6. Recreation – Twisp has an opportunity to obtain a strong recreation base comprised of parks and trail systems. It will be important to acquire new properties for recreation, open space and to establish new programs to accommodate growth and changing needs. Refer to the Parks and Recreation Element of this comprehensive plan.

General Goals for Residential Development:

- a. Residential areas should be located within close proximity of institutional facilities such as schools, parks, and churches.
- d. Future residential development should have sufficient street right-of-way to provide curbs, paving of two driving lanes, at least one parking lane, sidewalks and other pedestrian walkways.
- e. Future high-density residential development should occur in such a manner as to allow maximum utilization of the land while retaining adequate open space for recreational and aesthetic values.

Land Use Designation - Single Family Low Density Residential (R-1)

The purpose of the single-family residential designation is to provide for areas of town where low-density residential uses will be provided for. For the purposes of this comprehensive plan, low density shall mean from 1 to 4 dwelling units per acre of land, or a minimum of 10,000 ft. sq. lot size

Planned Development – Planned development regulations are intended to provide an alternative method for land development which:

- a. Encourages flexibility in the design of land use activities so that they are conducive to a more creative approach to development which will result in a more efficient, aesthetic and environmentally responsive use of the land.
- b. Permits creativity in the design and placement of buildings, use of required open spaces, provision of on-site circulation facilities, off-street parking, and other site design elements that better utilize the potential of special features, such as geography, topography, vegetation, drainage, and property size and shape.
- c. Facilitates the provision of economical and adequate public improvements, such as, sewer, water, and streets.
- d. Minimize and/or mitigate the impacts of development on valuable natural resources and unique natural features such as agricultural lands, steep slopes, and floodplain and shoreline areas.

Planned development regulations may be incorporated into the Town's zoning ordinance or developed as a separate ordinance. It is also possible for the Town to use the planned development process for certain uses which due to their nature may be more appropriately reviewed under such regulations.

Comprehensive Plan – Analysis:

The Town's Comprehensive Plan contains some contradictory goals and principals. Some support the type of development planned for Orchard Hills others seem to discourage such development. The provisions related to Planned Development support the proposed Orchard

Hills planned development. The Planning Commission will have to determine whether recommending approval of the planned development, as conditioned, is consistent with the comprehensive plan.

Zoning Code: Property is Zoned R-1

18.25.030 Low-density residential single-family (R-1) district.

- (1) Intent. The low-density residential single-family district is intended to reserve areas primarily for family living in single-family dwellings on large lots, characterized by privacy, an atmosphere conducive to sleep and repose, and living environments that promote the enjoyment of residential and neighborhood life. Certain community and commercial uses that are compatible with residential uses and consistent with the character of single-family neighborhoods should be allowed. Approved accessory dwelling units should be allowed.
- (2) Uses Allowed.
 - (a) Uses allowed in the R-1 district are shown in the district use chart in Appendix A of this title.
 - (b) Approved accessory dwelling units may be allowed in R-1 zoning districts. The following standards shall apply:
 - (i) Minimum lot size: 10,000 square feet.
 - (ii) In R-1 zoning districts, an accessory dwelling unit may be located in a separate accessory structure or incorporated within the principal dwelling. See definition in TMC 18.20.060.
 - (iii) Accessory dwelling units in R-1 zoning districts must be sited so that they will conform with all applicable regulations, including all setback requirements, if the parcel is to be divided.
- (3) Dimensional Requirements. Lot sizes, minimum dwelling unit sizes, allowable densities, lot coverage, height and setbacks shall be as set forth in Table 5. (Ord. 753 § 3 (Exh. C), 2019; Ord. 620 § 5(3), 2010)

The District Use Chart, Appendix A provides for the following uses:

LEGEND:

A = Allowed Use

P = Prohibited Use

AP = Allowed; Administrative Permit Required PD = Planned Development Permit Required

CUP = Conditional Use Permit Required

BSP = Binding Site Plan

	R-1	R-2	R-3	C-1	C-2	C-3	C-R	I	AIR	PU*
Residential uses	I									
Accessory dwellings	I	A	A	AP	AP	P	PD	P	P	P
Accessory structures	I	A	A	A	A	A	A	A	P	A
Adult family homes	I	A	A	PD	PD	CUP	PD	P	P	P
Assisted living facility	CUP	CUP	AP	PD	PD	CUP	PD	P	P	P
Bed and breakfasts	I	AP ¹³	A ¹³	P**	P**	P**	P**	P	P	P
Boarding homes	CUP	CUP	AP	PD	PD	CUP	PD	P	P	P
Boarding houses	CUP	CUP	A	A	A	A	A	P	P	P
Condominiums, residential	PD	PD	PD	PD	PD	P	PD	P	P	P
Convalescent	CUP	CUP	AP	PD	PD	CUP	PD	P	P	P
Duplexes	I	A	A	AP ¹⁴	AP ¹⁴	P	PD	P	P	P
Dwellings, multifamily	I	P	A	AP ¹⁴	AP ¹⁴	P	PD	P	P	P
Dwellings, single-family	I	A	A	AP ¹⁴	AP ¹⁴	P	P	P	P	P

Table 5 provides dimensional and density standards for residential development:

**Table 5 – Residential Districts
Lot Size, Coverage, Density, Setback, and Height**

	R-1	R-2	R-3
Minimum lot size ¹	10,000 square feet	5,000 square feet, single-family; 7,500 square feet, duplex	5,000 square feet single-family; 1,500 square feet each additional unit
Maximum density, with PD permit	6 d.u./net residential acre	10 d.u./net residential acre	16 d.u./net residential acre
Maximum building coverage ²	35%	50%	50%
Maximum lot coverage ²	50%	65%	80%
Minimum front yard setback ^{2,3}	15 feet	15 feet	15 feet
Minimum side yard setback ^{2,3}	5 feet	5 feet	5 feet
Minimum rear yard setback, main structure ³	15 feet	10 feet	5 feet
Minimum rear yard setback, accessory structure ³	5 feet	5 feet	5 feet
Maximum height, main structure	30 feet	30 feet	30 feet
Maximum height, accessory structure	24 feet	24 feet	24 feet
Minimum lot size with accessory dwelling unit	15,000 square feet	7,500 square feet	6,500 square feet
Minimum primary dwelling unit size	950 square feet	500 square feet	360 square feet
Minimum accessory dwelling unit size ⁴	360 square feet	360 square feet	360 square feet

LEGEND: d.u. = dwelling unit

¹ Minimum lot sizes do not apply to planned developments.

² Maximum lot coverage, front yard setback, and side yard setback apply to all structures, including accessory dwelling units.

³ Required off-street parking is not allowed in required front, side, or rear yard setbacks.

⁴ Limited to detached dwellings.

Planned Developments: 18.45 Twisp Municipal Code

18.45.010 Intent.

The intent of the planned development permit process is to allow a variety of uses and developments within the town of Twisp while retaining the ability of the town to review and condition those developments that might without restriction infringe on other uses in the district or threaten the environmental or aesthetic attributes of the town. The planned development permit process allows review and the implementation of restrictions or

conditions on a development by the town, pursuant to identified issues and standards, in order to achieve the following objectives:

- (1) Provide for flexibility in the design of land uses and activities to encourage more creative approaches to development, to result in more efficient, aesthetic, and environmentally responsive use of lands within the town;
- (2) Allow for public input and response by town citizens and interested persons, agencies and groups, to better assure that land uses and development within the town reflect the needs and desires of town citizens and are consistent with the public welfare of the town;
- (3) Permit creativity in design and placement of buildings, use of required open spaces, provision for on-site circulation plans, off-street parking and other site design elements that better utilize the potentials of special features of the property, including location, geography, topography, vegetation, size or shape, and scenic views;
- (4) Facilitate the provision of economical and adequate public improvements, including streets and utilities;
- (5) Minimize and/or mitigate the impacts of development on valuable natural resources and unique natural or existing features including but not limited to key wildlife habitats, riparian habitats, floodplain and other wetlands, mature tree stands, steep slopes, unique or aesthetically important views and vistas, and similar resources and features;
- (6) Minimize and/or mitigate the impacts of development on the public health, safety, welfare, aesthetic values, and other interests of the town;
- (7) Require the incorporation of public access to recreational opportunities, including trail systems, as a part of development activities;
- (8) Allow areas to be combined together for development that would otherwise be developed on a lot-by-lot basis, and to develop the area jointly with clustered or common features and structures and shared roads and utilities for more economic use of the land and better utilization of limited land and natural resources and maintenance of open space areas;
- (9) Assure that aesthetic values are considered in the architectural design of structures and in the overall development plans, and are a part of the review process of significant developments within the town;
- (10) Provide regulations for the planned development permit process which will give notice to developers of pertinent issues, concerns and limitations in planning of projects. (Ord. 620 § 9(1), 2010)

18.45.030 Additional planned development permit regulations.

- (1) Utilities. All electrical lines, telephone lines, and other wiring conduits and similar facilities in planned developments shall be placed underground by the developer, unless this requirement is waived by the planning commission and the town council. Waiver of this requirement must be based upon the physical constraints of the site and/or technical difficulties with such underground installations that are unique to the lot or parcel, and shall not be based upon financial considerations alone. Waiver shall not be permitted when it would be in violation of the requirements of this or other town ordinances or regulations for the zone in which the planned development is located. When a planned development includes utility extensions that are to be dedicated to and become the

responsibility of the town upon completion and acceptance thereof, the developer shall provide to the town a one-year maintenance bond for such utility extension to cover all necessary maintenance and repairs of the utility extension during the covered period.

The developer may be required to increase the one-year term when special considerations or unique circumstances make a longer term advisable for the protection and welfare of the town, and upon order for such increased bond period by the town council; provided, that in no event shall the one-year term for the maintenance bond be reduced. Water and sewer line extensions shall be properly engineered with plans approved by the town and shall meet all applicable town, state, and federal requirements.

- (2) Views. Planned development proposals shall give consideration to views, both those available from the subject lot(s) or parcel in orientation of the development, and those views from neighboring properties and roadways that might be obscured or obstructed by the development. Proposals shall be designed to minimize obstruction of river views and of other desirable views from neighboring properties, including usage of more stringent height limitations, view corridors, and building orientation and location restrictions where feasible and appropriate.
- (3) Trails and Recreation Facilities. As additional consideration for increased densities and development approval on riverfront parcels, developers may be required to dedicate a public nonmotorized trail along the river (in such location as shall be determined by the developer with approval of the administrator and in consultation with town departments and resource agencies). Residential planned developments shall consider additional trail systems in their development plans to promote both nonmotorized recreational opportunities and pedestrian circulation. Commercial planned developments shall consider and provide for pedestrian access to and through the development where practical. Multifamily residential planned developments or larger-scale residential planned developments shall consider other recreational areas and facilities, such as community parks, picnic areas and play areas, in the design of the development.
- (4) Landscape Plans. Planned development applications shall include a general landscape plan which shall include plantings for street frontage and interior lot line buffers and parking lot and ornamental landscaping (including light diffusion and site obstruction), and which shall concentrate on low-water-use plantings where feasible. As a minimum, plantings shall include the landscaping and buffers specified in TMC [18.20.120](#) for the zoning district in which the planned development is proposed. Timed irrigation systems will generally be required in planned developments to minimize irrigation water needs.
- (5) Additional Areas of Regulation. Those areas of concern set forth in TMC 18.45.050(2) as planned development program items shall be reviewed by the town and may be subject to regulation to meet the specified performance goal for each item where appropriate. (Ord. 620 § 9(3), 2010)

Zoning Code – Analysis: There is a conflict between the intent of the R1 zoning district and the regulations which provides for the reduction of minimum lot sizes through the PD process. There is also a conflict with the comprehensive plan which calls for a maximum density of 4 units per acre rather than the 6 permitted under zoning. However, as the zoning code has been adopted by ordinance, the zoning provisions prevail. The proposed use is considered allowed as it consists of single-family residences and falls within the allowable zoning density providing it follows the

requirements for a planned development.

SEPA and Critical Areas:

Preliminary approval of a Planned Development Permit, which can only be granted by the Town Council, is subject to review under the State Environmental Policy Act (SEPA) and review for potential impacts to designated critical areas (Chapter 18.60 TMC).

The applicant submitted a SEPA Checklist as part of the original application materials accepted as complete on May 26, 2022. The SEPA Administrator issued a Determination of Non-Significance (DNS) on May 26, 2022, which was published in the Methow Valley News (MVN) on June 1, 2022, with the required appeal period ending on June 28, 2022. This DNS was appealed and drew numerous comments. As a result, the Town withdrew the DNS and provided the applicant with a list of items that needed to be addressed in a revised SEPA Checklist and PD application.

A revised SEPA Checklist with a revised PD application and numerous special studies intended to address the comments and concerns was submitted during the preliminary review process. The revised SEPA Checklist and related information resulted in the Town issuing a Mitigated Determination of Non-Significance (MDNS) on January 5, 2023 which was published in the Methow News on January 11, 2023. The MDNS drew comments from the Department of Ecology noting the MDNS form was incorrect and that more detailed information on the proposed mitigation needed to be included.

The Town reissued the MDNS on the correct form with reference to the issues the Town required be addressed in the revised SEPA Checklist and references to the revised SEPA Checklist and special studies that provide information on impacts and proposed mitigation measures. The reissued MDNS was circulated to commenting agencies and individuals on January 26 and was published in the Methow Valley News on February 1, 2023 with comments or appeals due on February 22, 2023.

Nine letters were received on or before February 22, 2023 stating that the letters were appeals of the MDNS. While the “appeals” were generally more comments on the proposed development, than suggestions for specific mitigation measures, the result was a review of the comments, concerns and questions raised. As a result of the review, how the appeals would be handled in light of conflicting requirements between appeals of land use actions and SEPA determinations and the timing thereof, as well as a procedural issue raised in one of the appeals, the MDNS had to be withdrawn again on March 28, 2023.

As there will be no decision made by the Planning Commission and the decision to grant preliminary approval is vested with the Town Council, the MDNS will not be reissued until the Planning Commission has made its recommendation to Council.

A new MDNS will be issued on May 19, 2023.

Critical Areas/Environmental Concerns:

A review of the Town’s geologic hazard areas designation maps finds that portions of the subject property lie within areas with steep slopes. Compliance with the geologically hazardous areas standards in Chapter 18.60 TMC requires specific geotechnical evaluations of development. The applicant provided a soils report which shows that the majority of the area to be developed avoids steep slopes. The project site is also within a designated critical aquifer recharge area

which requires all stormwater runoff to be retained and treated on-site in compliance with the provisions of the Eastern Washington Stormwater Management Manual. The applicant provided a preliminary Stormwater Management Plan that addresses the regulations. The report will need to be finalized, design completed and infrastructure be built, inspected and/or bonded prior to final approval.

Other environmental concerns raised through the public comment period included the potential presence of wetlands and possible soil contamination due to former use as an orchard. The applicant provided a study which found the subject property contains no wetlands. The applicant also provided an analysis of the soils looking for arsenic/lead contamination. The results found that there are low levels, well below minimums, present in the soils with the highest concentrations closest to the rock outcrops, rather than the former orchard ground.

The applicant also completed a traffic study which found the existing road network has the capacity for the increased traffic. This report is being updated to include an analysis of the capacity of the intersections of May St and Second and SR 20 in the event of emergencies.

The Town has received a review of the plans from a qualified Fire Marshall.

Planning Commission Public Hearing:

The Town of Twisp Planning Commission held an open record public hearing on February 8, 2023 which was continued to March 8, 2023 and continued again until April 12, 2023 then again until April 26th. The hearing was closed on April 26th and the Planning Commission began discussing potential conditions until the end of the meeting. The Planning Commission continued discussions at its May 10th meeting and came to an agreement on conditions to recommend to the Town Council. Staff was directed to revise the Staff Report to amend and add to the conditions to be recommended to the Town Council for preliminary approval of the Orchard Hills Planned Development. The Commission held a special meeting at 5:30 p.m. on May 17, 2023.

Comments Received:

The application and related materials were mailed or e-mailed to commenting agencies (see list in project file) and a notice provided to adjoining landowners on January 2023. Written comments were received from 35 individuals and couples and another 34 individuals (some also provided written comments) commented during the public hearing process (see list of commenters, comments and responses in Attachment A) Copies of all written comments are contained in the project file.

Recommendation by Staff:

Staff recommends that the Planning Commission make the following motion:

Move “to recommend preliminary approval of the Orchard Hills Planned Development to the Town Council subject to the conditions and findings contained in the May 17, 2023 Staff Report and that all conditions be satisfactorily addressed prior to any granting of final approval”

Proposed Conditions:

Utilities and Transportation -

1. That the water and sewer systems required to serve the development be designed and engineered to Town standards, subject to review and comment by the Town’s engineer,

approved by the Town and either be built or bonded prior to final approval. Said utilities must be inspected during construction, any system development fees paid, and accepted by the Town prior to final approval.

2. A stormwater management plan compliant with Town standards and the Eastern Washington Stormwater Management Manual has to be prepared by a licensed engineer and approved by the Town and required improvements constructed to ensure that stormwater runoff from the development is retained, treated and dispersed within the project boundaries.
3. That other utilities be engineered in accordance with specifications provided by the Okanogan County PUD, Methow Valley Irrigation District and/or telecommunications provider, said plans must approved in writing by appropriate entity, any fees paid, improvements constructed and inspected by the appropriate entity in compliance with approved plans.
4. All utility lines shall be placed underground.
5. A note must be placed on the face of the plat of the PD as follows: “The Town has no responsibility for maintenance, included plowing, of the identified private utility and access easements”
6. That plans and specifications meeting Town standards for street and pedestrian improvements be provided to the Town for review and approval prior to construction and that any pavement on Harrison Street, May Street, or Isabella Lane disturbed during construction be repaired and approved by the Town of Twisp Public Works Director prior to granting of final approval.
7. The proposed second access from the proposed development to Isabella Lane be built to International Fire Code standards for an emergency fire apparatus access and be signed as such prior to final approval.
8. That a traffic study be completed analyzing the impacts of the development on the capacity of the intersections of May Street and Second Avenue and Second Avenue and SR 20 during emergencies. Potential mitigation measures required of the applicant for addressing identified impacts on intersection capacity shall be as determined by the analysis.
9. Any proposed bond for incomplete utility extensions must comply with TMC 18.45.030(1), and be approved prior to final development plan approval;

Fire/Emergency -

10. That all provisions of the International Fire Code related to access and fire flow be included in project designs and be built prior to granting of final approval of the PD.
11. That the planned emergency access road cannot be barricaded and must be maintained year-round.
12. That prior to final approval the applicant participates with the Town in the amendment of the adopted Comprehensive Emergency Response Plan that sets forth a plan for traffic control in the event of a wildfire or other emergency that necessitates evacuation of the May Street neighborhood.
13. That all construction be completed in compliance with applicable requirements of the

International Building Code and all homes meet the 2018 International Wildland-Urban interface code A note on the final plat will also be required referencing the requirement that all homes meet the 2018 International Wildland-Urban Interface code

14. That each lot be labeled with an E911 address prior to filing and recording of PD Plat.
15. That the Town amend its Capital Facilities Plan and Six Year Transportation Improvement Plan to add a second point of access from the May Street neighborhood to the Twisp Carlton Road with the intent of completing the project within 5 years.
16. That a 100-foot-wide buffer as per Fire Marshall recommendation be created along the western boundary of the development from the western property line to Harrison Street. Such buffer shall be gravel, irrigated grass or other acceptable fire-resistant vegetation and must be completed prior to deeding of open space to Town.
17. That a fire hazard reduction plan prepared by a qualified professional be prepared, approved by the Town and implemented in the proposed open space area south of Harrison Street be completed prior to deeding of open space to Town.
18. That the PD be redesigned to eliminate proposed townhomes and modify lot sizes that ensure that there is a minimum of 30 feet of clear space between the eave line of structures.

Environmental -

19. That Best Management Practices shall be used during all construction activities to minimize dust, runoff, noise and associated environmental impacts.
20. That only one wood burning device is permitted per home, requires a building permit and shall meet or exceed Washington State and federal Environmental Protection Agency standards. No fireplaces are permitted.
21. That all mitigation measures in the SEPA checklist submitted with the application and as set forth in the Mitigated Determination of Non-Significance are implemented and maintained for the life of the project.
22. That construction of improvements and development of parcels that contain steep slopes shall be required to follow the regulations contained in 18.60.180 TMC.

General/Land Use -

23. That the three open space parcels be deeded to the Town as proposed with the value of the land calculated as a donation for use as a match for future grant requests.
24. That building envelopes be shown on each lot on the final plat of the PD.
25. That improvements and other aspects of the project described in the Project Narrative submitted with the application be supplemented with greater detail and the means of implementing the improvements described.
26. That all requirements for final plat stated in TMC 17.25.020 be completed.
27. That any subsequent development/use of said parcel must comply with the regulations for the zoning district applied to the property.
28. Open space percentage, must be at least 40% per TMC, needs to be recalculated without proposed roads/access and infrastructure improvements.

29. Covenants, Conditions and Restrictions must be developed and provided to the Town that address the following items:
- a. Maintenance of private access and utility easements
 - b. Landscape standards for individual lots
 - c. Limitation of one wood burning device for each home
 - d. Design criteria and standards for new homes and accessory buildings
 - e. Exterior lighting standards (dark sky compliant)

Findings of Fact:

The following Findings of Fact support the recommended approval and conditions placed thereon.

The Planning Commission finds the following:

1. Palm Investments North LLC is the legal owner of the property.
2. There is a need for housing in the community and the Methow Valley as a whole; the proposal addresses that need.
3. Adequate urban services (water, sewer, power and telecommunication) are available.
4. The subject property is constrained by topographic features (critical area) limiting traditional development options.
5. The development proposal of single-family homes is consistent with the uses allowed by zoning for the subject property.
6. Development through the PD Permit will create approximately 10 acres of developable land and approximately 6.8 acres of permanent open space.
7. At least 40% of the project site will be dedicated to permanent open space. The open space is to be deeded to the Town for future recreation/wildlife use.
8. Long-term maintenance of private accesses, stormwater facilities and other private improvements will be subject to CC&Rs administered through a homeowner's association and will not burden the Town.
9. No additional development of the property is permitted.
10. Development of the property will not displace public recreation opportunities. The potential exists for a future public access to the open space parcels.
12. The proposal will not adversely affect wildlife habitat identified in the comprehensive plan for special consideration.
13. Development of the property is subject to Town and State requirements for stormwater management.
14. The development will create additional impervious surfaces. A stormwater management plan compliant with Town standards and the Eastern Washington Stormwater Management Manual will be prepared by a licensed engineer and approved by the Town and required improvements constructed to ensure that stormwater runoff from the development is retained, treated and dispersed within

the project boundaries.

15. The proposal includes on-site pedestrian facilities.
16. The applicant demonstrated through a preliminary utility plan that the development will be adequately served by water, sewer and electrical service.
17. The property has access to Town water and sewer.
18. The project is consistent with the requirements of Chapter 18, Zoning Code.
19. All requirements for processing a Type IV Permit stated in Chapter 14 TMC were followed.
20. That a public notice of the application was published in the Methow Valley News on June 1, 2022
21. That a determination of non-significance was published in the Methow Valley News on June 1, 2022.
22. A notice of the public hearing scheduled for July 13 was published in the Methow Valley News on June 1, 2022.
23. That the original notice of application, notice of hearing and DNS were withdrawn in September, 2022.
24. That the applicant resubmitted the application and a revised SEPA Checklist on January 5, 2023.
25. The application was determined to be complete on January 5, 2023.
26. That a public notice of the application was published in the Methow Valley News on January 11 and 18, 2023
27. That the applicant posted the property on January 11, 2023.
28. That a Mitigated Determination of Non-Significance (MDNS) was issued on January 5, 2023 which was published in the Methow News on January 11, 2023, which was subsequently withdrawn.
29. That a new MDNS was published in the Methow Valley News on February 1, 2023 with a comment/appeal period ending on February 22, 2023.
30. That a notice of the February 8, 2023 public hearing was published in the Methow Valley News on January 25 and February 1, 2023.
31. That the public hearing was continued to March 8, 2023, continued to April 12, 2023 then April 26th when the hearing was closed.
32. That 9 comments and appeals were received on the MDNS, which resulted in its withdrawal on March 23, 2023.
33. That the requirements for increasing the distance between planned structures, providing a buffer along the development's western boundary, implementation of the latest Urban/Wildland Fire Code and fire reduction plan for the area south of Harrison Street are based on the recommendations of a professional Fire Marshall to address reduce the potential wildfire impacts.

34. The proposed conditions are intended to address the comments and concerns raised during the public review process.

ATTACHMENT A – COMMENTORS, COMMENTS AND RESPONSES

Orchard Hills Comment Matrix				
Written Comments				
	Commentor	Address	Comments	Action?
1	Fire District #6	Winthrop	Fire apparatus access roads should “be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities.”	Require as condition of approval
	"	"	The required turning radius of a fire apparatus access road shall be determined by the fire code official.” OCFD6 recommends a 28ft radius.	Require as condition of approval
	"	"	Dead-end fire apparatus access roads in excess of 150ft in length shall be provided with an approved area for turning around fire apparatus.	Require as condition of approval
	"	"	Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.” Where and when applicable, both sides of each fire apparatus access road need to be signed as a Fire Lane.	Require as condition of approval
	"	"	Fire apparatus access roads should “not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.	Require as condition of approval
	"	"	Developments of one- or two-family dwellings where the number of dwelling units exceed 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements in Section D104.3. OCFD6 does NOT recommend a gated access for an emergency use only road for this kind of Development that will also share an access with other developments	Require second access to Isabella Lane or sprinkle all

	"	"	Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.	Require second access to Isabella Lane or sprinkle all
	"	"	New and existing buildings should “have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inches.	Each lot will have an E911 Address assigned at PD ap
	"	"	Fire hydrant systems should “be subject to periodic tests” as required by Washington State Rating Bureau (WSRB). Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards.	Require as condition of approval
	"	"	Posts, fences, vehicles, growth, trash, storage and other materials or objects should “not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. “The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.” This includes snow.	Require as condition of approval
	"	"	A 3 ft clear space should “be maintained around the circumference of fire hydrants except as otherwise required or approved.	Require as condition of approval
	"	"	Where fire hydrants are subject to impact by a motor vehicle, guard posts or other approved means should comply with Section 312	Require as condition of approval
	"	"	All fire hydrants servicing these parcels meet or exceed the standards found in IFC	Require as condition of approval

	"	"	All fire hydrants servicing these parcel, newly installed and existing, be equipped with a 5 inch Storz fitting with a tethered cap on the large diameter port prior to occupancy being granted. These fittings shall be approved by the OCFD6 prior to installation. This fitting is required to connect to OCFD6 fire hose.	Require as condition of approval
2	Scott Demergue	501 June Street, Twisp	Fire and emergency access	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
			Pedestrian safety	The public road serving the development will have a similar pedestrian facility
			Concerned about density	Density is compliant with zoning
3	Isabelle Spohn - written and oral testimony and SEPA appeal	Twisp	Air quality - wood burning devices	All wood burning devices will have to meet and/or exceed EPA standards and be required to obtain a permit for installation. New home construction after final approval subject to the codes that exist at that time meaning that any new regulations regarding wood burning devices will be required of the construction
4	Barbara Gohl - oral and written testimony, SEPA Appeal	7 Isabella Lane, Twisp	Does not believe the homes will be affordable	Town does not have the ability to set price standards. Affordability is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
	"	"	Not enough water - need to complete valley-wide study	Town has sufficient water for the development
5	Ellen Aagaard - oral and written testimony	Twisp	Areas proposed to be developed <i>with approximate footprints of proposed buildings</i> and their nature (e.g., residential, community use, commercial, office, etc.)	Require as condition of approval
	"	"	Location, dimensions and schematic design of <i>off-street parking areas or facilities</i> , showing points of ingress and egress	Require as condition of approval
	"	"	Pedestrian and vehicular circulation pattern	Require as condition of approval
	"	"	Conceptual landscape plan	Require as a condition of approval
	"	"	Stormwater collection and disposal plan.	Require as condition of approval
	"	"	Air quality considerations and mitigation measures, including dust control measures.	Require all wood burning devices to meet and/or exceed EPA standards and be required to obtain a permit prior to installation. Require dust control during construction

	"	"	Fire Access	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
6	Mark and Leone Edson - written and oral testimony	321 Bigelow, Twisp	Not consistent with zoning	Minimum lot sizes do not apply to Planned Developm Table 5, Title 18 TMC
	"	"	noise	Will have to comply with Town nuisance regulations, than existing residential area
	"	"	overcrowding	Minimum lot sizes do not apply to Planned Developm Table 5, Title 18 TMC
	"	"	traffic	Traffic study found that existing road network has ca proposed development
	"	"	private accesses	Private access permitted by Town regulations and m requirements. CC&R's will detail maintenance of such
	"	"	generally disagree with all aspects and facts and figures	Town relies on facts and figures prepared by licensed and engineers. Prior to final approval all aspects of t engineering will be reviewed and vetted by the town engineer
7	Mary Bean and Jo and Dennis Doyle - written and oral testimony	409 Bigelow, Twisp	Fire access	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
	"	"	Snow removal	Road standards include space for snow removal and
	"	"	private accesses	Private access permitted by Town regulations and m requirements. CC&R's will detail maintenance of such
			too much density	Density is compliant with zoning
8	Arthur Tasker - written and oral testimony, SEPA Appeal	7 Isabella Lane, Twisp	Wildfire and access	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
			Increase lot sizes	Minimum lot sizes do not apply to Planned Developm Table 5, Title 18 TMC
9	Sarah Schrock	413 Bigelow, Twisp	Does not meet intent of PD	Conditions of approval require to address PD intent
	"	"	Areas proposed to be developed <i>with approximate footprints of proposed buildings</i> and their nature setbacks, parking, trails, common spaces	Require as condition of approval

	"	"	too high of density	Minimum lot sizes do not apply to Planned Development, Table 5, Title 18 TMC
	"	"	views	Landscape plan and photo representations of views
	"	"	Traffic	Will be conditioned to meet or exceed IFC standards, LID
10	Kasey Ketterling, Ardurra	Consulting Engineer	Plans sufficient for preliminary review	
11	Doug Irvine - written and oral testimony	612 June St, Twisp	does not control the ridgeline	TRUE
	"	"	topography and density figures miscalculated	Town relies on facts and figures prepared by licensed surveyors and engineers. Prior to final approval all aspects of the engineering will be reviewed and vetted by the town engineer
	"	"	no benefit from open space	Proposed to be given to Town
	"	"	limit to R1 zoning, no PD	PD is a permitted option under zoning and comp plan
	"	"	too far from services	true for existing neighborhood and other parts of community
	"	"	no pedestrian features	The public road serving the development will have a similar pedestrian facility
12	Barbara Irvine	612 June St, Twisp	not affordable	Town does not have the ability to set price standards, affordability is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
	"	"	access	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
	"	"	consistency with neighborhood	single family residences, interpretation
13	CB Thomas	43 Lost River Airport, Mazama	supports development	
14	Ina Clark	501 Highway 20, Winthrop	supports development	
15	Diane Childs	70 McLean Hill, Winthrop	supports development	
16	Roger and Anna Stull	105 Florance Lane, Twisp	fire safety and access	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
	"	"	Traffic	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
	"	"	too much density	Density is compliant with zoning

17	Ross and Marti Darling	Twisp	supports development	
18	Bill Bates	Twisp	limit number of homes	Density is compliant with zoning
	"	"	snow removal	Road standards include space for snow removal and
	"	"	fire lanes	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
19	Ken and Virgina Borg - written and oral testimony, SEPA Appeal	Isabella Lane Twisp	emergency access, fire safety	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
	"	"	stormwater	Stormwater management plan required - all stormwa on-site must be handled on-site
	"	"	density	Minimum lot sizes do not apply to Planned Developm Table 5, Title 18 TMC
	"	"	water	Town has ample water resources to serve developme responsible for engineering and construction improv needed to meet town and IFC standards
	"	"	construction dust	Best management practices required for dust contro construction
	"	"	affordability	Town does not have the ability to set price standards is an important issue, proponent is attempting to inc affordability by increasing density and clustering hon
	"	"	snow removal	Road standards include space for snow removal and
	"	"	access to open space	Open space proposed to be given to town, if public la would be allowed
20	Dean Kurath, Dark Sky	Winthrop	Dark sky compliant lighting plan	require as condition of approval
21	Larry and Barbara Schaber	618 June Street	parking	two off-street parking spaces required on each lot, o required front yard setback, plus parking lanes on bo public road.
			snow removal	Road standards include space for snow removal and
	"	"	traffic	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access

	"	"	density	Minimum lot sizes do not apply to Planned Development Table 5, Title 18 TMC
	"	"	affordability	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
22	Mark and Leone Edson	321 Bigelow, Twisp	inconsistent with comp plan and zoning	interpretation
	"	"	stormwater runoff	Stormwater management plan required - all stormwater on-site must be handled on-site
	"	"	traffic circulation	Will meet or exceed 2018 Urban Wildland Interface best standards and International Fire Code for access
23	Bill and Sandy Moody - oral and written testimony, SEPA Appeal	Twisp	access and fire safety issues	Will meet or exceed 2018 Urban Wildland Interface best standards and International Fire Code for access
	"	"	density	Minimum lot sizes do not apply to Planned Development Table 5, Title 18 TMC
	"	"	parking	require two off-street parking spaces on each lot plus on both sides of road.
	"	"	private access corridors	Private access permitted by Town regulations and meet requirements. CC&R's will detail maintenance of such
	"	"	residential sprinklers won't help	recommended by Fire Marshall
24	Methow Housing Trust	Winthrop	misinformation - the Trust has not made any commitment one way or the other as far as potentially purchasing lots in the proposed PD	Still a possibility, it is up to Trust and Palms
25	Rudy and Katrina Miniutti	104 Florance Lane	solve second access before approval	Will meet or exceed 2018 Urban Wildland Interface best standards and International Fire Code for access
26	Mary Sharman and Jerry Cole	1023 Burton Street	air quality	All wood burning devices will have to meet and/or exceed and EPA standards and be required to obtain a permit for installation. New home construction after final approval subject to the codes that exist at that time meaning that regarding wood burning devices will be required of the construction

	"	"	water and sewer capacity	Town has ample water and sewer capacity, developed for engineering and constructing improvements to town
	"	"	traffic - fire access	Will meet or exceed 2018 Urban Wildland Interface by standards and International Fire Code for access
	"	"	affordable housing	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
	"	"	need more planning	yes, but have to live with codes we have until amended
27	Janice Liu	613 Bigelow St, Twisp	emergency ingress/egress,	Will meet or exceed 2018 Urban Wildland Interface by standards and International Fire Code for access
	"	"	inconsistent with R1 zoning	Minimum lot sizes do not apply to Planned Development Table 5, Title 18 TMC
	"	"	not affordable,	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
	"	"	stormwater	Town has ample water and sewer capacity, developed for engineering and constructing improvements to town
	"	"	dark skies	require in CC&Rs
28	Doug Irvine - written and oral testimony	612 June St, Twisp	does not satisfy requirements for PD Chapter 18.45 TMC	Conditions of approval require to address PD intent
	"	"	light and glare not addressed	require in CC&Rs
	"	"	no aesthetics considered	Conditions of approval require to address PD intent
	"	"	no landscaping	Conditions of approval require to address PD intent
	"	"	ownership pattern (open space)	Proposed to give to Town
	"	"	not a planned development	interpretation
	"	"	no recreation improvements included	Conditions of approval require to address PD intent

	"	"	air quality	All wood burning devices will have to meet and/or exceed local, state and EPA standards and be required to obtain a permit for installation. New home construction after final approval will be subject to the codes that exist at that time meaning that new construction regarding wood burning devices will be required of that construction
	"	"	traffic distance to services	similar conditions throughout community
	"	"	no public benefit	will provide for new, much needed, housing opportunities
29	Barbara Irvine	612 June St., Twisp	Access - town's responsibility, fire safety,	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
30	Jerry Heller - oral and written testimony, SEPA Appeal	510B Bridge Street Twisp	failure to address access and permit requirements	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
	"	"	fire safety	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
31	Delores Barnard	507 Bigelow St Twisp	second access, no plan	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
	"	"	affordability	Town does not have the ability to set price standards but housing cost is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
32	Marie Tracy - written and oral testimony	Isabelle Lane Twisp	existing regulations insufficient	true but must follow regulations in place, not one's own rules have
	"	"	reduce density to 30 units	Minimum lot sizes do not apply to Planned Development per Table 5, Title 18 TMC
	"	"	second access	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
	"	"	snow removal	Road standards include space for snow removal and storage
	"	"	wood stoves, no alternative energy	All wood burning devices will have to meet and/or exceed local, state and EPA standards and be required to obtain a permit for installation.

	"	"	pedestrian access	The public road serving the development will have a similar pedestrian facility
	"	"	affordability	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
33	Dave Hopkins and Susan Speir	605 Lookout Place Twisp	access	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	fire safety	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
34	Robert Thorpe	Mercer Island	supports development	
35	Suellen White - written and oral testimony	Lookout Mt. Rd Twisp	emergency access, fire safety	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	snow removal	Road standards include space for snow removal and storage
SEPA APPEALS				
1	Art Tasker/Barbara Gohl	Twisp	Access	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	inaccurate information in checklist regarding slopes	Town relies on facts and figures prepared by licensed surveyors and engineers. Prior to final approval all aspects of the engineering will be reviewed and vetted by the town engineer
	"	"	energy requirements	All new construction has to comply with current insulation related energy conservation requirements
	"	"	noise	must comply with Town's nuisance code
	"	"	density	Minimum lot sizes do not apply to Planned Development Table 5, Title 18 TMC
	"	"	affordability	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes

	"	"	lack of mitigation for air quality	All wood burning devices will have to meet and/or exceed local, state and EPA standards and be required to obtain a permit for installation. New home construction after final approval will be subject to the codes that exist at that time meaning that any new codes regarding wood burning devices will be required of the construction
	"	"	not consistent with comprehensive plan	interpretation
2	Pearl Cherrington	Twisp	objects to characterization as low impact - traffic, air quality fire.	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
	"	"	No source of fill indicated,	No fill proposed
	"	"	increase in vehicles and wood stoves will affect air quality,	All wood burning devices will have to meet and/or exceed local, state and EPA standards and be required to obtain a permit for installation. New home construction after final approval will be subject to the codes that exist at that time meaning that any new codes regarding wood burning devices will be required of the construction
	"	"	no landscape plan as required by code,	Conditions of approval require to address PD intent
	"	"	potential arsenic/lead issues,	Soil report found levels well below required limits
	"	"	noise	town nuisance code, limit construction hours
	"	"	compatibility to neighborhood,	interpretation issue
	"	"	steep slopes impacted by development	Has to comply with Critical Areas regulations
	"	"	no housing being provided	the intent is to develop lots for housing
	"	"	access	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
3	Howard Cherrington	Twisp	Traffic study	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
	"	"	fire access	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
4	Vince and Nancy Friggione (3)	Twisp	objects to characterization as low impact - traffic, air quality fire	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
	"	"	No source of fill indicated	No fill proposed

	"	"	increase in vehicles and wood stoves will affect air quality	New MDNS will be issued that provides detailed mitigation measures based on the mitigations proposed by applicant required as conditions of approval recommended by Commission.
	"	"	no landscape plan as required by code	Conditions of approval require to address PD intent
	"	"	potential arsenic/lead issues	Soil report found levels well below required limits
	"	"	noise	town nuisance code, limit construction hours
	"	"	compatibility to neighborhood,	interpretation issue
	"	"	steep slopes impacted by development	compliance with critical areas regulations
	"	"	no housing being provided	creating lots for housing to be built
	"	"	access	Will meet or exceed 2018 Urban Wildland Interface k standards and International Fire Code for access
	"	"	just do 25 or 30 lots and everyone would be happy	Minimum lot sizes do not apply to Planned Development Table 5, Title 18 TMC
5	Ken and Virginia Borg	5 Isabella Lane	traffic	Will meet or exceed 2018 Urban Wildland Interface k standards and International Fire Code for access
	"	"	emergency access	Will meet or exceed 2018 Urban Wildland Interface k standards and International Fire Code for access
6	Bill and Sandy Moody	620 Moody Lane Twisp	interior lots difficult access	Private access must comply with IFC standards
	"	"	high density development contributes to fire risk	Meet or exceed current Washington State urban/wild requirements
	"	"	lack of standards meeting Cal Fire recommendations	Meet or exceed current Washington State urban/wild requirements
	"	"	not consistent with neighborhood and existing zoning	interpretation issue
7	Jerry Heller	510B Bridge Street Twisp	MDNS not published as required	withdrawn
	"	"	March 8th hearing not advertised	not required
	"	"	inconsistent with zoning	interpretation issue
	"	"	lots contain steep slopes	compliance with critical areas regulations
	"	"	density - fire safety	Will meet or exceed 2018 Urban Wildland Interface k standards and International Fire Code for access
	"	"	private accesses	Private access must comply with IFC standards

8	Marcia Butchart	515 June Street	stormwater runoff	Stormwater management plan required - all stormwater on-site must be handled on-site
	"	"	fire safety	Will meet or exceed 2018 Urban Wildland Interface best standards and International Fire Code for access
	"	"	increased traffic	traffic study and supplement completed
	"	"	no housing trust purchasers	that is between the Trust and Palms
	"	"	not affordable	Town does not have the ability to set price standards. This is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
9	Isabelle Spohn	419 N. Methow Valley Highway	mitigation in MDNS inadequate for access and air quality.	New MDNS will be issued that provides detailed mitigation measures based on the mitigations proposed by applicant required as conditions of approval recommended by Commission.
	"	"	Needs to provide specific mitigation measures.	New MDNS will be issued that provides detailed mitigation measures based on the mitigations proposed by applicant required as conditions of approval recommended by Commission.
	"	"	Call for new regulations and change in materials used for sanding roads,	All wood burning devices will have to meet and/or exceed EPA standards and be required to obtain a permit for installation. New home construction after final approval subject to the codes that exist at that time meaning that regarding wood burning devices will be required of the construction. Issue of resuspended dust is related to the practice, not this proposed development.
	"	"	need to increase planner time	Council issue
Sign-In Sheets from Public Hearing				
1	Marcia Butchart	515 June Street Twisp	who is responsible for stormwater	Stormwater management plan required - all stormwater on-site must be handled on-site
	"	"	enforce mitigation	depends on mitigation measure, either town, landowner or subsequent purchasers

	"	"	SEPA Appeal	new MDNS will be issued and subject to appeal
	"	"	no housing trust purchasers	that is between the Trust and Palms
	"	"	not affordable	Town does not have the ability to set price standards is an important issue, proponent is attempting to inc affordability by increasing density and clustering hon
2	Ellen Aagaard	1 Isabella Lane Twisp	Need pedestrian and cycling facilities	The public road serving the development will have a similar pedestrian facility
	"	"	fire insurance issues	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
	"	"	increasing costs due to potential number of new homes	market forces and contractor availability
	"	"	prioritizing highest needs	housing is a high priority need
	"	"	market rate rentals, see written comments	Town does not have the ability to set price standards is an important issue, proponent is attempting to inc affordability by increasing density and clustering hon
3	Barbara Gohl	7 Isabella Lane Twisp	does not oppose	
	"	"	application incomplete	interpretation issue
	"	"	not going to be affordable - deceitful	Town does not have the ability to set price standards is an important issue, proponent is attempting to inc affordability by increasing density and clustering hon
	"	"	not enough water, need valley wide water availability study	Town has ample water resources to serve developme responsible for engineering and construction improv needed to meet town and IFC standards
	"	"	need moratorium on development until town has updated plans,	Moratorium cannot affect "vested" application
	"	"	see written comments, SEPA Appeal	
4	Art Tasker	7 Isabella Lane Twisp	fire issues and evacuation, second access not sufficient as it is for emergency vehicles	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
	"	"	lots to small	Minimum lot sizes do not apply to Planned Developm Table 5, Title 18 TMC
	"	"	houses to close together, sprinkling houses don't address this issue	Meet or exceed current Washington State urban/wild requirements

	"	"	see written comments, SEPA Appeal	
5	Marie Tracy	8 Isabella Lane Twisp	no solar or alternative energy requirements,	Town has no requirements for solar or alternative energy. Any changes to local regulations will affect requirements for projects constructed after PD approval.
	"	"	do need housing but does not think this development will be affordable, no assurance will be affordable	Town does not have the ability to set price standards. Affordability is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes.
	"	"	air quality issues	proposed limits on the number and type of wood burning stoves.
	"	"	see written comments, SEPA Appeal	
6	Barbara Irvine	617 June Street Twisp	ingress and egress, concerned before development proposed, second access besides May Street needs to be provided before development can be approved, see written comments	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
7	Leone Edson	321 Bigelow Street Twisp	objected to Jasmine, but not clear, that she needed to step down, see written comments	
8	Mark Edson (3)	321 Bigelow Street Twisp	does not agree with townhouses, sees them as doubling density of some lots	incorrect interpretation of code
	"	"	issue about open space, make them 10,000 sq ft lots eliminate need for sprinklers and second access,	incorrect interpretation of code
	"	"	Neighbor's feelings and issues don't count	interpretation issue
	"	"	see written comments	
	"	"	18.15.020 conflicts - stricter applies... 18.15.010 - protect existing development over new development	interpretation issue
9	Bill Moody (3)	620 Moody Lane Twisp	Fire issues, ingress and egress, several examples of fires that destroyed communities	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
	"	"	low density, larger lots, greater setbacks	Minimum lot sizes do not apply to Planned Development. See Table 5, Title 18 TMC
	"	"	responded to new fire code -	Meet or exceed current Washington State urban/wildland interface requirements
	"	"	what is above and beyond and BMPs?	?
	"	"	who will be responsible for enforcing fire code?	Town officials
	"	"	see written comments, SEPA Appeal	

10	Carrie Port	Twisp	Need housing, not sure will be affordable, can't afford a home in Twisp,	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
	"	"	wants to see more option for "middle class" people	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
11	Emalie Ricco	Twisp	hard to think about staying in the valley due to housing shortage, need housing options	
12	Howard Cherrington(2)	Twisp	Codes and ordinance are intended to provide consistency between existing and planned uses	correct
	"	"	character and density must be considered	Density is compliant with zoning
	"	"	code does not support planned developed	interpretation issue
	"	"	conflicts with existing code and plans	interpretation issue
	"	"	town must uphold the investments of those already there	town is not responsible for people's investment back expectations, can only enforce the plans and codes in
	"	"	see written comments, SEPA Appeal	
13	Barry Stromberger	316 Bugar Street Twisp	concerns have already been brought up	
14	Russ Thomas (3)	Twisp	a lot of concerns shared	
	"	"	supports the Palms	
	"	"	concerned about fire	Meet or exceed current Washington State urban/wildland interface requirements
	"	"	stormwater flooding	Stormwater management plan required - all stormwater on-site must be handled on-site
	"	"	should require 10,000 sq ft lots	Density is compliant with zoning
	"	"	4 unincorporated landowners need ingress and egress during development (is there an easement)	will need to work with Palms to address issue, is there an easement?
	"	"	questions about who builds second access	Will meet or exceed 2018 Urban Wildland Interface best standards and International Fire Code for access
15	Scott Domergue (2)	501 June Street Twisp	shares many concerns	
	"	"	appreciates PD process	

	"	"	walks ridge and wants to continue to be able to	may be able to if the open space becomes public
	"	"	need to widen Harrison and May to add sidewalks, not safe in winter	traffic study finds existing roadways have capacity for traffic, pedestrian improvements offsite is a neighborhood
	"	"	question affordability	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
	"	"	not a good place due to single access	it is an issue
	"	"	40 acres due west in town limits, could be another 100 homes	owner has no development plans
	"	"	need second access besides May Street	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	see written comments	
16	Ken Borg	Isabella Lane	fire issues	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	too much density, small lots	Density is compliant with zoning
	"	"	emergency ingress/egress	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	need to provide study of May/Second and Second/SR 20 capacity	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	sprinkler systems a joke	Meet or exceed current Washington State urban/wildland requirements
	"	"	not affordable	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
	"	"	lots too small	Density is compliant with zoning
	"	"	no park	interpretation issue
	"	"	will set dangerous precedent	interpretation issue
	"	"	need to revise rules	can be done, but not effect a vested application
	"	"	see written comments, SEPA Appeal	
17	Lucy Reid	Carlton	not enough water based on previous 1990's study, has town purchased water rights	Town has ample water resources to serve development responsible for engineering and construction improvements needed to meet town and IFC standards

	"	"	should not allow use of town property/easement for second access	interpretation issue
	"	"	town should not accept open space	
	"	"	should not allow woodstoves	All wood burning devices will have to meet and/or exceed local and EPA standards and be required to obtain a permit for installation. New home construction after final approval is subject to the codes that exist at that time meaning any changes regarding wood burning devices will be required of the construction
	"	"	impacts on people	
	"	"	traffic impacts - overly optimistic, will need traffic light or circle	Will meet or exceed 2018 Urban Wildland Interface best standards and International Fire Code for access
	"	"	booster station creates more maintenance by town	booster station already exists, may have to be upgraded but not increase maintenance
18	Doug Irvine (4)	612 June Street Twisp	does not think development in the right place,	interpretation issue
	"	"	does not own ridgeline so can't promise no development,	correct
	"	"	nothing makes this a planned development,	interpretation issue
	"	"	does not meet the intent of code or have park,	interpretation issue
	"	"	will only provide housing for Seattle people, not affordable,	Town does not have the ability to set price standards and affordability is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes but cannot restrict where potential purchasers come from
	"	"	proponents provide misleading information,	Town relies on facts and figures prepared by licensed surveyors and engineers. Prior to final approval all aspects of the engineering will be reviewed and vetted by the town engineer
	"	"	does not require information required by code, ownership pattern, e.g. landscaping,	Conditions of approval require to address PD intent
	"	"	need to define affordable, see written comments	Town does not have the ability to set price standards and affordability is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes

19	Jerry Heller (3)	510 B Bridge Street Twisp	project has significant impact on neighborhood	interpretation issue
	"	"	does not meet requirements of planned development	Conditions of approval require to address PD intent
	"	"	subdivision under guise of PD	interpretation issue
	"	"	will open the door to bad development	interpretation issue
	"	"	should only be 30 lots at 10,000 sq ft	Density is compliant with zoning
	"	"	access need to be decided	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
	"	"	see written comments, SEPA Appeal	
	"	"	does not agree with SEPA process, needs an EIS	interpretation issue
20	Deb Barnard	507 Bigelow Street Twisp	not affordable, see written comments	Town does not have the ability to set price standards is an important issue, proponent is attempting to inc affordability by increasing density and clustering hon
21	Jocelyn Murray	249 Twisp River Rd Twisp	no comments	
22	Lisa (Doran) Marshall	302 Canyon Street Twisp	mom lives on May St. Excited about more housing	
	"	"	too dense	Density is compliant with zoning
	"	"	not affordable	Town does not have the ability to set price standards is an important issue, proponent is attempting to inc affordability by increasing density and clustering hon
	"	"	cut number of lots in half	Density is compliant with zoning
23	Scott Domergue	501 June Street Twisp	Does a long plat require a SEPA Checklist, questions whether impact of proposed PD are the same as a long plat.... Proposed second access	SEPA required for long plat - primary difference betw Plat are the number, size and arrangement of lots.
24	Suellen White	Lookout Mt Road	owns property to the west, irrigated 40 acres, no intention of selling,	
	"	"	not willing to provide access easement, but folks can certainly evacuate to the fields in an emergency	
	"	"	see written comments	
25	Mark Edson (2)	321 Bigelow Street Twisp	claims it 66 lots	interpretation issue
	"	"	confusing town homes and open space question	interpretation issue
	"	"	quoted from comp plan	interpretation issue
	"	"	conflicts	interpretation issue

	"	"	zero setbacks promote fires	Meet or exceed current Washington State urban/wildland interface requirements
	"	"	will need blasting	?
	"	"	too dense	Density is compliant with zoning
	"	"	not coordinated	interpretation issue
	"	"	tearing community apart	interpretation issue
	"	"	does not protect existing development - protecting developers from existing land uses	interpretation issue
	"	"	see written comments.	
26	Ellen Aagaard (4)	1 Isabella Lane Twisp	town accept open space but require improvements - ADA parking, access, trails	A decision has to be made, by council, if the open space is accepted by the Town
	"	"	does the town have the ability to construction and maintain improvements, other options for preserving open space, opens spaces not connected, part of open space has portion of road	If the Town accepts the open space, plans will have to be approved and funding secured if any formal improvements are required
	"	"	stormwater infiltration ponds should not be in open space	open space areas will be recalculated to ensure such improvements are not included unless permitted by the Town
	"	"	does not really adhere to a planned development - especially the open space and lack of public amenities	interpretation issue
	"	"	see written comments	
27	Brian McAuliffe (3)	610 May Street Twisp	stormwater management, will flood his property	Stormwater management plan required - all stormwater must be handled on-site
	"	"	not opposed to development	
	"	"	don't add to existing issues, fire code access - width of streets, enforcement	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	inadequate snow removal	Street is designed to meet Town standards and include snow storage
28	Lorah Super	980 Twisp Carlton Rd Twisp	MVCC - growth needs to be planned for the Towns to protect the valley	the Town understands its role in providing higher density in order to help preserve the open space and aesthetic value of the unincorporated areas.

	"	"	does not necessarily provide affordable housing	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
	"	"	wildfire safety, ingress/egress, - not full responsibility of developer, however, something needs to be done before approval	Will meet or exceed 2018 Urban Wildland Interface building standards and International Fire Code for access
	"	"	need to involve the tribes	Tribes have been included in project review and SEPA
	"	"	need to delay approval of new developments until HAP is done	Developments not yet vested could be delayed, this project is vested under current zoning and regulations
29	Paula Mackrow	515 Twisp Ave Twisp	hold open for comment until issues are resolved,	Statutory timelines do not provide for additional time is required.
	"	"	agree with all other comments,	
	"	"	SEPA appeal - adverse impacts to natural and built environment must be addressed, MDNS does not provide specific mitigation measures, issue can be resolved by withdrawing the MDNS and new one with specific mitigation	New MDNS will be issued that provides detailed mitigation measures based on the mitigations proposed by applicant required as conditions of approval recommended by Commission.
30	Dennis Doyle	409 Bigelow Street Twisp	see written comments	
31	Isabelle Spohn (3)	419 N. Methow	cart before the horse with several large developments coming, are this many homes needed?	The Town can only enforce the codes as they exist, they will determine the final outcome, hopefully the HAP will address the issue of how many homes are needed.... Turning that into a kind of enforceable code is another matter.
	"	"	MDNS issue from Spokane county re: emergency access, air quality	Similar but very different situation in Spokane, hundreds of homes in a forested setting.
	"	"	Ecology concerned about Twisp air quality, woodstove upgrade program, concerned that town is only doing bare minimum on air quality, nothing about resuspended dust during winter	All wood burning devices will have to meet and/or exceed local and EPA standards and be required to obtain a permit for installation. New home construction after final approval is subject to the codes that exist at that time meaning that new regulations regarding wood burning devices will be required of the town for construction. Issue of resuspended dust is related to current practice, not this proposed development.
	"	"	see written comments	

32	Lisa (Doran) Marshall	North Methow Valley Highway	Thoughts on four way stops at Second/SR 20?	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
	"	"	Traffic, May St inadequate	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
	"	"	who is responsible for maintaining roadways,	Town once built
	"	"	not affordable	Town does not have the ability to set price standards is an important issue, proponent is attempting to inc affordability by increasing density and clustering hon
33	Katrina Menudy?		How can move forward without egress and stormwater not addressed	Conditions required stormwater and access be design constructed to meet Town and International fire cod
34	Sarah Schrock (2)	Bigelow	In her professional opinion the project does not meet the intent of the PD process, open space not adequately addressed, Parks Committee wants it dedicated	Conditions of approval require to address PD intent

STATE ENVIRONMENTAL POLICY ACT
Mitigated Determination of Non-Significance

May 24, 2023

Town of Twisp

Agency Contact: Kurt Danison. townplanner@townoftwisp.com, 509 997 4081

Agency File Number: PD22-02

Description of Proposal:

Palm Investments North LLC/Jerry and Julie Palm of Winthrop, Washington have submitted a revised application for preliminary approval of a 52 lot Planned Development to the Town of Twisp. The proposal entails development of Parcel No. 3322180099 with 52 residential lots ranging in size from 3,630 sq ft to 8,903 sq.ft. with 3 open space tracts of 8,390 sq.ft., 116,669 sq.ft. and 171,156 sq ft. As a planned development the application requests that interior lots have a zero-side yard setback. The proposed planned development, which proposed streets, water and stormwater utilities built to Town standards, is located west of the Painters Addition to Twisp with access from Harrison Street and proposed emergency access to Isabella Lane within the Town's reservoir access easement, within Section 18, Township 33 N., Range 22 E.W.M.

Applicant: *Palm Investments LLC
PO Box 322
Winthrop, WA 98862
Palmci1@gmail.com
509 322 3032*

The Town of Twisp has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030. The necessary mitigation measures are listed below, the Environmental Checklist is attached and the application, special studies and related materials are available at: townoftwisp.com.

This determination is based on the following findings and conclusions:

The application for the proposed planned development underwent a preliminary review process wherein a Determination of Non-Significance ("DNS") was issued by the Town and was subject to numerous comments and several appeals. As a result, the Town withdrew the DNS and provided the applicant with a list of items to address in a revised SEPA Checklist and application for the planned development ("PD"). The Town issued a Mitigated Determination of Non-Significance ("MDNS") on January 5, 2023, which was withdrawn as it was on the wrong form, then a new MDNS was issued on February 1, 2023, which was also withdrawn on March 23, 2023, when a commentor correctly pointed out that the notice provided did not meet the requirements of state statute.

The Planning Commission completed the required Public Hearing process on April 26, 2023, then began discussion of the conditions to be placed on the recommendation for preliminary approval of the PD. The hearing process entailed the Planning Commission completing its discussion of the proposed conditions on May 10, 2023, with the conditions primarily intended to address the issues brought up via the written comments from 35 individuals and couples, another 34 individuals (some also provided written comments) commenting during the public hearing process and the 9 appeals/comments submitted on the February 1, 2023, MDNS.

This final MDNS was not prepared until the conditions placed on the Planning Commission's recommendation for preliminary approval was determined as the conditions are an important part of the mitigation required to address potential significant impacts on the environment.

Many of the comments received on the original DNS and subsequent MDNS (withdrawn) mirrored the comments submitted on the PD application itself and were more about the Town's land use plans, codes and regulations, however, the following items have been addressed in the revised SEPA Checklist and the conditions of preliminary approval recommended by the Planning Commission:

- 1. Air Quality*
- 2. Glare and light pollution*
- 3. Critical Areas*
- 4. Design Standards*
- 5. Density*
- 6. Traffic – volume, road capacity and emergency access*
- 7. Wetlands - delineation*
- 8. Stormwater – how will it be handled*
- 9. Consistency with Comprehensive Plan*
- 10. Consistency with Zoning Code*
- 11. Wildfire*
- 12. Contamination from previous agricultural use*

The mitigating conditions set forth in the Mitigation Plan supporting this Mitigated Determination of Non-Significance attached hereto are requirements of approval of the PD.

This MDNS is issued under WAC 197-11-350 and the comment period will end on *June 23, 2023*. Comments can be submitted to Kurt Danison, Town Planner, townplanner@townoftwisp.com, P.O. Box 278, Twisp, WA 98856 509 997 4081

Signature Kurt E. Danison
(electronic signature or name of signor is sufficient)

Date May 24, 2023

Appeal process:

You may appeal this determination to:

Okanogan County Superior Court
149 3rd Ave. South
Okanogan, WA 98840

No later than:

July 19, 2023

Orchard Hills Planned Development

Mitigation Plan

One of the conditions for preliminary approval of the PD requires that all mitigation measures set forth in the revised SEPA Checklist and any addendums thereto are required to be implemented and maintained throughout the life of the project.

Air Quality

The applicant notes in the SEPA Checklist that all woodstoves must meet current state and federal standards and that the Department of Ecology publication “Methods for Dust Control” 2016 will be utilized to prepare a dust control plan in accordance with the Town of Twisp’s codes and regulations and best management practices.

The conditions for preliminary approval of the PD require that the Covenants, Conditions and Restrictions required prior to final approval contain a statement that limits each unit to one wood burning apparatus with no fireplaces allowed. Another condition is that the PD be redesigned so that there is at least 30 feet of clear space between structures, which will result in a reduction of the number of lots thus reducing the number of potential wood burning devices. It should also be noted that the Town may amend its code related to wood burning devices after the final approval of the PD. Any new construction within the PD would have to meet the new standards, that may further reduce the number and/or type of wood burning devices that in turn will reduce impacts to air quality.

The issue of resuspended dust from winter sanding operations is a Town issue that is not the responsibility of the developer.

Glare and light pollution

The applicant notes in the SEPA Checklist that the project will adhere to current Town lighting standards and will limit all building sites to at least 30’ below the ridgeline. The conditions for preliminary approval of the PD states that the Covenants, Conditions and Restrictions required prior to final approval contain a statement that all exterior lighting comply with “Dark Sky” standards. It should also be noted that the Town may amend its code related to outdoor lighting after the final approval of the PD. Any new construction within the PD would have to meet the new standards, that may further reduce the potential for light and glare impacts.

Critical Areas

Portions of the project site have been designated as Geological Hazardous Areas and Critical Aquifer Recharge Areas in the Town’s Comprehensive Plan. The applicant submitted a Geotechnical Report and a Limited Environmental Investigation prepared by qualified professionals. The studies provided data on the soils, topography, soil permeability and potential contamination from historic use of portions of the site as a commercial orchard. In general, the Geotechnical Report found the site suitable for the type of development being proposed and contained recommendations for measures to reduce potential impacts. The Limited

Environmental Investigation did find evidence arsenic in the soils on the project site and made the following recommendation:

“Because arsenic was detected in soil above the MTCA Method A cleanup level at the Subject Property, Ecology requires additional environmental investigation and/or cleanup to meet the requirements of MTCA and Ecology's Model Remedies for Cleanup of Former Orchard Properties in Central and Eastern Washington (July 2021, Publication No. 21-09-006). The highest concentrations of arsenic were measured in soil samples collected at depths of 8 and 10 feet bgs from test pits located nearest the bedrock ridge in the western portion of the Subject Property. It is possible that naturally occurring arsenic in the bedrock is a source of arsenic to soil at the Subject Property. However, because the Subject Property was historically used as orchard land, Ecology will likely require a background study of naturally occurring arsenic, completed in accordance with WAC 173-340-709, to establish area soil background concentrations and evaluate future cleanup requirements for the Subject Property.”

The applicant notes in the SEPA checklist that temporary sediment/erosion control measures will be incorporated during construction to prevent sediment transport off site. NPDES Construction Storm Water Permit from DOE will be obtained, and an associated plan implemented. All land disturbed during construction will be stabilized and revegetated. Measures to reduce or control erosion include stormwater management and dedication of permanent open space.

Design Standards

The applicant notes in the SEPA Checklist that the project will comply with current Town standards.

The conditions for preliminary approval of the PD requires that the Covenants, Conditions and Restrictions required prior to final approval contain design criteria and standards for new homes and accessory buildings consistent with the requirements of TMC 18.45.050(2)

Density

The proposed PD includes 52 individual single-family residential lots ranging in size from 3,630 sq ft to 8,903 sq.ft. with 3 open space tracts of 8,390 sq.ft., 116,669 sq.ft. and 171,156 sq ft. The PD was determined to meet the density standards set forth in the Twisp Zoning Code (Title 18, Table 5). While the proposed development is in an area zoned R1, with a minimum lot size of 10,000 sq ft, Table 5 contains a footnote indicating that the minimum lot size does not apply to a PD. Comprehensive Plan and Zoning regulations encourage PDs as a means to protect open space and critical areas by allowing flexibility in design, which includes clustering of dwellings on smaller lots.

As a result of the recommendations provided by a professional Fire Marshall, preliminary approval is conditioned on a redesign of the PD to ensure at least 30 feet between all structure envelopes. This will result in a reduction of the density in the final PD as lots will have to be combined and/or enlarged to address this requirement.

Traffic

The applicant notes in the SEPA Checklist that a study by independent consultant SJC Alliance estimates that there will be 563 new trips per day on May St and Harrison Ave. The study noted

that the existing street network has the capacity to handle the increased traffic, The applicant also provided a supplemental traffic study that examined the current and projected capacity of the intersections of May Street and Second Avenue and Second Avenue and S.R. 20. The supplement found that both intersections have the capacity to address existing as well as projected traffic volumes.

As a result of the Fire Marshall's recommendation, preliminary approval is conditioned on the applicant working with the Town to amend the Emergency Response Plan to include traffic control at the intersection of May Street and Second Avenue if an evacuation order is given for the May Street neighborhood.

Wetlands

The applicant provided a Wetlands Assessment conducted by a qualified professional. The Assessment found no wetlands on the subject property.

Stormwater

The applicant states in the SEPA Checklist and a preliminary Stormwater Management Plan that stormwater runoff will result from developed hardscape areas including buildings, roadways, pedestrian paths, and parking areas. These areas will be directed via sloped surfaces and conveyance piping to water quality and infiltration swales or dry wells designed and sized to meet the requirements of the DOE Stormwater Manual for Eastern Washington 2019.

The conditions for preliminary approval of the PD requires: "A stormwater management plan compliant with Town standards and the Eastern Washington Stormwater Management Manual has to be prepared by a licensed engineer and approved by the Town and required improvements constructed to ensure that stormwater runoff from the development is retained, treated and dispersed within the project boundaries."

Consistency with Comprehensive Plan

The applicant states in the SEPA Checklist that the proposal is developed pursuant to adopted Town of Twisp regulations. This is a proposed residential development with less overall density than the current zoning.

The Staff Report prepared for the Planning Commission noted that there are conflicts between the Comprehensive Planning and Zoning code: "The Town's Comprehensive Plan contains some contradictory goals and principles. Some support the type of development planned for Orchard Hills others seem to discourage such development. The provisions related to Planned Development support the proposed Orchard Hills planned development. The Planning Commission will have to determine whether recommending approval of the planned development, as conditioned, is consistent with the comprehensive plan."

The Planning Commission recommendation to Council to grant preliminary approval subject to a list of conditions means they determined that with conditions the PD is consistent with the Comprehensive Plan.

Consistency with Zoning Code

The applicant states in the SEPA Checklist that the proposal is developed pursuant to adopted Town of Twisp regulations. This is a proposed residential development with less overall density than the current zoning.

The Staff Report prepared for the Planning Commission noted that there are conflicts between the Comprehensive Planning and Zoning code: “There is a conflict between the intent of the R1 zoning district and the regulations which provides for the reduction of minimum lot sizes through the PD process. There is also a conflict with the comprehensive plan which calls for a maximum density of 4 units per acre rather than the 6 permitted under zoning. However, as the zoning code has been adopted by ordinance, the zoning provisions prevail. The proposed use is considered allowed as it consists of single-family residences and falls within the allowable zoning density providing it follows the requirements for a planned development.”

The Planning Commission recommendation to Council to grant preliminary approval subject to a list of conditions means they determined that with conditions the PD is consistent with the Zoning Code.

Wildfire

One of the key issues raised during the public review process was wildfire and the impact the number of new dwellings would have on traffic in the event of an emergency and the small lots limiting the space between structures thus contributing to fire spread in the event of a wildfire.

The Town retained a professional Fire Marshall who visited the site, reviewed the plans, and provided recommendations that addressed both issues. As a result, the Planning Commission recommended the following conditions be met prior to the PD being granted final approval:

- That all provisions of the International Fire Code related to access and fire flow be included in project designs and be built or bonded prior to granting of final approval of the PD.
- That the planned emergency access road, if approved, cannot be barricaded, and must be maintained year-round.
- That prior to final approval the applicant participates with the Town in the amendment of the adopted Comprehensive Emergency Response Plan that sets forth a plan for traffic control in the event of a wildfire or other emergency that necessitates evacuation of the May Street neighborhood.
- That all construction be completed in compliance with applicable requirements of the International Building Code and all homes meet the 2018 International Wildland-Urban interface code and that all homes be equipped with fire sprinklers if a second access isn't provided. A note on the final plat will also be required referencing the requirement that all homes meet the 2018 International Wildland-Urban Interface code and fire sprinklers be provided if a second access isn't provided.
- That each lot be labeled with an E911 address prior to filing and recording of PD Plat.
- That the Town amend its Capital Facilities Plan and Six Year Transportation Improvement Plan to add a second point of access from the May Street neighborhood to the Twisp Carlton Road with the intent of completing the project within 5 years.

- That a 100-foot-wide buffer as per Fire Marshall recommendation be created along the western boundary of the development from the western property line to Harrison Street. Such buffer shall be gravel, irrigated grass or other acceptable fire-resistant vegetation and must be completed prior to deeding of open space to Town.
- That a fire hazard reduction plan prepared by a qualified professional be prepared, approved by the Town and implemented in the proposed open space area south of Harrison Street be completed prior to deeding of open space to Town.
- That the PD be redesigned to eliminate proposed townhomes and modify lot sizes to ensure that there is a minimum of 30 feet of clear space between the eave line of structures.

Contamination from previous agricultural use

Portions of the project site have been designated as Geological Hazardous Areas and Critical Aquifer Recharge Areas in the Town's Comprehensive Plan. The applicant submitted a Geotechnical Report and a Limited Environmental Investigation prepared by qualified professionals. The studies provided data on the soils, topography, soil permeability and potential contamination from historic use of portions of the site as a commercial orchard. In general, the Geotechnical Report found the site suitable for the type of development being proposed and contained recommendations for measures to reduce potential impacts. The Limited Environmental Investigation did find evidence arsenic in the soils on the project site and made the following recommendation:

"Because arsenic was detected in soil above the MTCA Method A cleanup level at the Subject Property, Ecology requires additional environmental investigation and/or cleanup to meet the requirements of MTCA and Ecology's Model Remedies for Cleanup of Former Orchard Properties in Central and Eastern Washington (July 2021, Publication No. 21-09-006). The highest concentrations of arsenic were measured in soil samples collected at depths of 8 and 10 feet bgs from test pits located nearest the bedrock ridge in the western portion of the Subject Property. It is possible that naturally occurring arsenic in the bedrock is a source of arsenic to soil at the Subject Property. However, because the Subject Property was historically used as orchard land, Ecology will likely require a background study of naturally occurring arsenic, completed in accordance with WAC 173-340-709, to establish area soil background concentrations and evaluate future cleanup requirements for the Subject Property."

The applicant notes in the SEPA Checklist that temporary sediment/erosion control measures will be incorporated during construction to prevent sediment transport off site. NPDES Construction Storm Water Permit from DOE will be obtained, and an associated plan implemented. All land disturbed during construction will be stabilized and revegetated. Measures to reduce or control erosion include stormwater management and dedication of permanent open space.

Recreation

The applicant states in the SEPA Checklist that currently residents of Painter's Addition use the land without permission for hiking. By putting 40% into open space and maintaining an informal route to the ridge summit and the informal hiking will be legal and maintained into the future. The applicant proposes to donate the open space land to the Town.

The Planning Commission recommends that the Town accept the donation and begin planning for

appropriate development of the property.

Via E-Mail: townplanner@townoftwisp.com

Kurt E. Danison, Town Planner
Town of Twisp
P.O. Box 278
Twisp, WA 98856

June 23, 2023

Re: Comments on MDNS and proposed conditions of approval
Project File Number PD22-02

Dear Mr. Danison:

As you are aware, we represent Palm Investments North, LLC, with respect to their Orchard Hills Planned Development. Contained in this letter as well as the attached submittal materials, we provide our comments regarding the MDNS mitigation measures/project conditions of approval as well as concerns regarding the Town Council's review of the project.

As a procedural matter, we are very concerned about the Town's process leading up to the Council meeting on June 27, 2023. The Town reissued the SEPA threshold determination twice earlier in the year in order to accommodate the general public's ability to comment and provide testimony. The most recent version of the MDNS provides for a comment deadline of June 23rd and appeal deadline of July 19, 2023. No further explanation is provided for this appeal deadline, which does not appear to readily correlate to any state or town regulation.

Staff then advised the applicant that the Town Council would hear a presentation from staff on June 13 and vote on the project at its regular meeting on June 27th. The applicant did not receive any other, earlier notice of those dates. The applicant promptly let staff know that its planner and legal counsel could not attend the June 27th meeting so as to provide its comments on the project and proposed conditions of approval. The applicant requested the project be placed on the next regular Town Council meeting, July 11th. However, staff advised that the schedule was set based on the published MDNS (despite there being no information therein about these dates). This situation prejudices the applicant as it does not have the ability to advocate for its project as it would in any other application review process in other jurisdictions.

Despite our objection, we understand the Council will proceed with its action on June 27th. In doing so, we ask the Council ensure it follows the procedures set forth in TMC 18.45.060(5). More specifically, the Town Council can either vote summarily to approve the recommendation of the planning commission, i.e. to approve the Planned Development, or take other action. In the event of any other action, the Town Council must then set a date for public hearing. We believe the project is appropriately approved, albeit with the following conditions removed or modified as requested.

With respect to the substantive SEPA mitigation and proposed conditions of approval, we generally support these conditions and certainly project approval with exception to the following conditions for the reasons stated herein and in the attached materials.

The use of a mitigated determination of non-significance (MDNS) has been viewed very favorably by the Washington courts. *See, Hayden v. City of Port Townsend*, 93 Wn.2d 870, 880, 613 P.2d 1164 (1980) (overruled on other grounds); *SANE v. Seattle*, 101 Wn.2d 280, 676 P.2d 1006 (1984). The MDNS process accomplishes efficient, cooperative reduction or avoidance of adverse environmental impacts: “The mitigated DNS provision in WAC 197–11–350 is intended to encourage applicants and agencies to work together early in the SEPA process to modify the project and eliminate significant adverse impacts.” *Anderson v. Pierce County*, 86 Wn. App. 290, 304.

It is very important to bear in mind that SEPA “does not require that all adverse impacts be eliminated; if it did, no change in land use would ever be possible.” *Maranatha Mining, Inc. v. Pierce County*, 59 Wash. App. 795, 804, 801 P.2d 985 (1990). Instead, SEPA and the use of mitigation measures are used to achieve balance and control rather than to preclude development. *Cougar Mountain Associates v. King County*, 111 Wn.2d 742, 753, 765 P.2d 264 (1988).

By statute, cities may condition project approvals to mitigate a “direct impact that has been identified as a consequence of a proposed development, subdivision, or plat.” RCW 82.02.020. However, the Town has the duty to establish that exaction (whether restricting the use of land through a buffer or requirement that the applicant construct infrastructure) is “reasonably necessary as a direct result of the proposed development or plat.” *Id*; *See e.g. United Development Corp. v. City of Mill Creek*, 106 Wn. App. 681, 698, 26 P.3d 943 (2001).

It is essential that the Council carefully consider the actual evidence in evaluating this project rather than on general fears or unsupported concerns. Washington courts have long explained that a Council should not make decisions based only on public perceptions, such as general discontent over adding housing, is not lawful. *Maranatha Mining, Inc. v. Pierce County*, 59 Wn. App. 795, 805, 801 P.2d 985 (1990) (the Court scolded the Pierce County Council for basing its decision “on community displeasure and not on reasons backed by policies and standards as the law requires”). Instead, the Council can and should carefully consider the evidence in the record and issue its decision based on that information. In doing so, we are confident that the Council will find the project is well designed and supported by expert evidence, consistent with the Town’s adopted regulations and policies.

Our comments and requests regarding the following conditions of approval/mitigation measures are based on the previously submitted expert consultant reports as well as the attached materials from LDC and Aegis Engineering, a well-known fire protection engineering firm. They have based their evaluation on the most conservative assumptions reasonable for the project. Even with those assumptions, Aegis does not find that certain conditions, including Conditions 16 and 18, are warranted.

Condition 7. “The proposed second access from the proposed development to Isabella Lane be built to International Fire Code standards for an emergency fire apparatus access and be signed as such prior to final approval.”

The applicant does not have easement rights to build this access within the Town easement. In the Amended Easement, recording number 3269852, the Town relinquished its prior right of way for a very narrow easement limited to Public Works access to the water tanks and public, nonmotorized recreational use. Because the Town relinquished its right of way, the Town’s actions have unilaterally operated to limit access. As a result, the applicant volunteered to provide fire sprinklers in the homes, standard mitigation where secondary access is not available. *See attached materials.*

The applicant will voluntarily work further with the Town to accomplish secondary access, if feasible but this should not operate as a condition of approval. We respectfully request the Council either remove this condition from its approval or amend the condition as follows:

If feasible, the proposed second access from the proposed development to Isabella Lane should be built to International Fire Code standards for an emergency fire apparatus access and be signed as such prior to final approval. If this or other secondary access is not available prior to approval of the first building permit, all homes within the development will be provided with automatic fire sprinkler systems meeting the most current code at the time of building permit submittal.

Condition 8. “That a traffic study be completed analyzing the impacts of the development on the capacity of the intersections of May Street and Second Avenue and Second Avenue and SR 20 during emergencies. Potential mitigation measures required of the applicant for addressing identified impacts on intersection capacity shall be as determined by the analysis.”

The identified intersections currently operate at levels of service A and B during peak hours, i.e. the best level of service possible for this type of intersection. The traffic engineering for the project projects LOS A for the intersection of 2nd Avenue and May Street in 2028 with or without this project. As the expert traffic engineers concluded: “An evaluation of the existing 2023 and projected 2028 horizon year with and without the project traffic was performed. All of the study area intersections are projected to operate at LOS B or better. This indicates that even during high traffic events, including emergency situations that might funnel additional traffic through the study area, the intersections should operate with an acceptable level of service.”

We respectfully request the Council remove this condition from its approval.

Condition 12. “That prior to final approval the applicant participates with the Town in the amendment of the adopted Comprehensive Emergency Response Plan that sets forth a plan for traffic control in the event of a wildfire or other emergency that necessitates evacuation of the May Street neighborhood.”

This condition requires action that is beyond the applicant’s control. The applicant is certainly prepared to participate with the Town on an amendment as described if the Town does proceed with any such work. While this could result in voluntary actions from the applicant, depending on

the timing of the Town's amendment, this condition cannot and does not purport to make the project approval on future, unknown conditions.

We respectfully request the Council remove this condition from its approval. The applicant will voluntarily participate with the Town if the Town takes action to amend the Emergency Response Plan, but this should not operate as a condition of approval.

Condition 15. "That the Town amend its Capital Facilities Plan and Six Year Transportation Improvement Plan to add a second point of access from the May Street neighborhood to the Twisp Carlton Road with the intent of completing the project within 5 years."

This condition does not relate to the project or set forth actions that would be within the applicant's control. The applicant wholly supports a second point of access from the neighborhood to the Twisp-Carlton Road. However, as written, this would not condition the project per se, nor would the Town have authority to impose such a condition as it requires action on the part of the Town, potentially including condemnation, rather than the applicant.

We respectfully request the Council remove this condition from its approval. The applicant will voluntarily coordinate with the Town whenever the Town takes action to add a second point of access to the May Street neighborhood, but this should not operate as a condition of approval.

Condition 16. "That a 100-foot-wide buffer as per Fire Marshall recommendation be created along the western boundary of the development from the western property line to Harrison Street. Such buffer shall be gravel, irrigated grass or other acceptable fire-resistant vegetation and must be completed prior to deeding of open space to Town."

As a prefatory note, the Town has not adopted the Wildlife-Urban Interface Code (WUI Code) which consists of a set of model regulations and solutions that cities and counties can, but are not required to, adopt. Nonetheless, the project consultants have reviewed the project under that WUI Code, including the project rating standards and find this condition is not warranted. *See attached materials.*

The applicant objects to this condition as exceeding what the WUI Code outlines, particularly for the rating of this project thereunder. The WUI Code does not recommend any buffer, let alone 100-feet in width, for projects such as that proposed. The City has no regulation or policy supporting this buffer, nor any best management, engineering or scientific basis to impose such buffer. Instead, the applicant has volunteered to develop a fire hazard reduction plan to be implemented as outlined in condition 17 and Appendix B of the WUI code.

We respectfully request the Council remove this condition from its approval.

Condition 18. "That the PD be redesigned to eliminate proposed townhomes and modify lot sizes that ensure that there is a minimum of 30 feet of clear space between the eave line of structures."

As discussed in the attached materials, under the WUI Code, where the overall project is protected, the individual homes do not each need their own defensible space based on the low fire risk resulting from the type of construction.

We respectfully request the Council remove this condition from its approval.

Condition 29. "Covenants, Conditions and Restrictions must be developed and provided to the Town that address the following items:

Maintenance of private access and utility easements

Landscape standards for individual lots

Limitation of one wood burning device for each home

Design criteria and standards for new homes and accessory buildings

Exterior lighting standards (dark sky compliant)"

These provisions are common for plat restriction notes on a final plat rather than being imposed through CC&Rs. We do recognize that the project would have some CC&Rs based on applicable state law, but limiting the extent of those will reduce immediate and long-term homeowner costs and financing burdens. We request the Town modify Condition 29 to state "~~Covenants, Conditions and Restrictions~~ Final plat notes must be developed...."

With the foregoing in mind, we respectfully request the Town Council approve the project. We request the Council remove Conditions 8, 12, 15, 16, and 18 as not appropriate conditions imposed on the project. As discussed above, the applicant desires to voluntarily work with the Town on future planning. As also discussed, the applicant has voluntarily upgraded the project in various ways to comport with the WUI Code recommendations and provide a community that will be a very positive addition to the community. With respect to Conditions 7 and 29, we request the Council modify said conditions as stated above.

Sincerely,



Duana T. Koloušková

Direct Tel: (425) 467-9966
Email: kolouskova@jmmklaw.com

Attachments:

LDC Memo, June 21, 2023

Aegis Fire Protection Summary, June 22, 2023 with attachment

2023-06-22 Town Planner Ltr 1699-001.docx



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**ORCHARD HILLS
TWISP, WASHINGTON
FIRE PROTECTION SUMMARY**

June 22, 2023

for:

PALM INVESTMENTS NORTH, LLC
PO Box 322
Winthrop, WA 98862

**Fire Protection ▪ Building Code
Consult ▪ Design ▪ Engineer**

INTRODUCTION

AEGIS Engineering has been retained by Palm Investments North, LLC to prepare a Fire Protection Code Summary report for the Orchard Hills project, a Planned Development (PD) proposed in Twisp, Washington (Parcel Number 3322180099).

This project is subject to the 2018 IFC (International Fire Code, as adopted and amended by the State of Washington and Town of Twisp), enforced in accordance with 19.27.050 RCW (Revised Code of Washington). Reference to the IFC as amended by State of Washington is found in Section 15.15.010 of the Twisp Municipal Code (TMC).

Additionally, pursuant to 19.27.560(3) RCW, enforcement of the 2018 International Wildland Urban Interface Code (IWUIC) must **not** result in criteria which exceed the minimum performance standards and requirements contained in the published model code.

Written comments have been provided June 13, 2023 by Twisp Planning Commission, May 9, 2023 by Chelan County Fire Marshal, and Town of Twisp Staff Report dated May 17, 2023. Select comments related to fire protection items are addressed below and provided with section headings and numbers corresponding to those present in the Staff Report. For context, comments are shown in *italics* followed by our response.

UTILITIES AND TRANSPORTATION

7. *The proposed second access from the proposed development to Isabella Lane be built to International Fire Code standards for an emergency fire apparatus access and be signed as such prior to final approval.*

Comment 7 appears to reference Section 503.1.2 of the model International Fire Code, presented below:

503.1.2 Additional access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

This provision of the International Fire Code is **not** adopted by State of Washington or Town of Twisp.

Further, consistent with Exception 1 as referenced on the Orchard Hills PD site plan, subject secondary emergency access is not required when all homes are equipped with automatic sprinklers per Section 903.3.1.3 (NFPA 13D). This is supported by NFSA (National Fire Sprinkler Association) statistics that sprinklers control 96% of fires, achieve 93% reduction in property damage, and in 22 years have resulted in zero fire deaths in sprinklered homes.

Therefore, secondary access should not be required at Orchard Hills. The absence of secondary access is accounted for in Item A.4 of the Fire Hazard Severity Assessment provided in Attachment A.

8. *That a traffic study be completed analyzing the impacts of the development on the capacity of the intersections of May Street and Second Avenue and Second Avenue and SR 20 during emergencies. Potential mitigation measures required of the applicant for addressing identified impacts on intersection capacity shall be as determined by the analysis.*

The April 2023 Traffic Impact Analysis (TIA) completed for Orchard Hills evaluates the Level of Service (LOS) for both subject intersections. Sections 6.3.1 and 6.3.2 state that the current LOS provided at each of the intersections during peak demand was found to be unchanged in the projected 2028 horizon with the Orchard Hills development. With these findings, the TIA concludes:

[E]ven during high traffic events, **including emergency situations** that might funnel additional traffic through the study area, the intersections should operate with an acceptable level of service. [**emphasis added**]

Therefore, the subject analysis finds no required mitigation measures.

FIRE/EMERGENCY

10. *That all provisions of the International Fire Code related to access and fire flow be included in project designs and be built prior to granting of final approval of the PD.*

Section 503.1 of the IFC states:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with locally adopted street, road, and access standards.

This project will be in accordance with locally adopted street, road, and access standards of TMC Section 17.40.030. Other provisions of Section 503 “Fire Apparatus Access Roads” are not adopted by State of Washington or Town of Twisp.

Section 507.3 of the IFC provides for use of IWUIC fire flow provisions. Orchard Hills will be provided with a conforming water supply per IWUIC Section 404 and TMC Section 17.35.110.

11. *That the planned emergency access road cannot be barricaded and must be maintained year-round.*

In accordance with IFC Section 503.1, maintenance of provided fire apparatus access roads must be in accordance with locally adopted street, road, and access standards. This project will be in accordance with locally adopted street, road, and access standards of TMC Section 17.40.030.

However, consistent with Exception 1, as identified on the Orchard Hills PD site plan secondary emergency access is not required when all homes are equipped with automatic sprinklers per Section 903.3.1.3 (NFPA 13D).

- 12. That prior to final approval the applicant participates with the Town in the amendment of the adopted Comprehensive Emergency Response Plan that sets forth a plan for traffic control in the event of a wildfire or other emergency that necessitates evacuation of the May Street neighborhood.*

Consistent with IFC Section 503.1, the PD should only be subject to already adopted street, road, and access standards. As stated with Comment 8, the TIA concludes:

[E]ven during high traffic events, **including emergency situations** that might funnel additional traffic through the study area, the intersections should operate with an acceptable level of service. [**emphasis** added]

Based on the analysis for the PD, no such mitigation measures are warranted.

- 13. That all construction be completed in compliance with applicable requirements of the International Building Code and all homes meet the 2018 International Wildland-Urban interface code A note on the final plat will also be required referencing the requirement that all homes meet the 2018 International Wildland-Urban Interface code [sic]*

This seems a reasonable and prudent condition of approval. More specifically, based on the lowest hazard rating determined as presented in Attachment A, with a conforming water supply and a defensible space between homes and some property lines which may be less than 30 feet, the homes are to be of Class 2 Ignition-Resistant Construction (IR2) in accordance with IWUIC Section 505. As an added level of safety, we understand the roofs will be metal or Class A, which exceeds IR2 criteria and is accounted for in Attachment A.

- 14. That each lot be labeled with an E911 address prior to filing and recording of PD Plat.*

Each home must be labeled with its address for Premises Identification per IFC Section 505.1. If addresses are not assigned until the time a building permit is sought, for the purposes of Comment 14, it should be sufficient for each lot to be identified with its number shown on the PD plan.

- 15. That the Town amend its Capital Facilities Plan and Six Year Transportation Improvement Plan to add a second point of access from the May Street neighborhood to the Twisp Carlton Road with the intent of completing the project within 5 years.*

Consistent with IFC Section 503.1, the PD should only be subject to already adopted street, road, and access standards. As identified with Comment 11, subject secondary emergency access is not required when all homes in Orchard Hills PD are equipped with automatic sprinklers per Section 903.3.1.3 (NFPA 13D).

- 16. That a 100-foot-wide buffer as per Fire Marshall [sic] recommendation be created along the western boundary of the development from the western property line to Harrison Street. Such buffer shall be gravel, irrigated grass or other acceptable fire-resistant vegetation and must be completed prior to deeding of open space to Town.*

The basis for this finding is unclear and the stipulated distance extends beyond the parcel boundary upon which the Orchard Hills PD site exists. The area of the subject buffer would occupy nearly 2.4 acres of land set-aside by the PD to be preserved as undisturbed open space and represents an increase of over 23% to the footprint of the development.

With ignition resistant construction, including noncombustible exterior walls and decks, metal or Class A roofs, the presence of defensible space maintained on each lot around the homes per IWUIC Sections 603.2.1 and 604, and installation of automatic fire sprinklers in each home, the subject buffer is unnecessary.

With the area indicated generally involving land sloping up away from the development, the concern appears to consider a fire in a home an exposure to the open space. NFPA (National Fire Protection Association) approved American National Standard 80A, *Recommended Practice for Protection of Buildings from Exterior Exposure Fires*, addresses an exposing building in Section 5.6.3:

5.6.3 Exposing Building. Where the exposing building or structure is protected throughout by an approved, properly maintained automatic sprinkler system or other approved automatic fire suppression system of adequate design for the hazard involved, no exposure hazard should be considered to exist.

As indicated in this NFPA standard, no exposure hazard should be considered to exist

from the homes in Orchard Hills PD equipped with automatic fire sprinkler systems. Further, the assignment of IR2 construction from IWUIC Table 503.1 and the fire hazard severity assessment presented in Attachment A account for defensible space present only between the homes and their property lines.

Therefore, no buffer should be required when all homes are of IR2 construction, provided with metal or Class A roofs, and equipped with automatic fire sprinkler systems in accordance with IBC/IFC Section 903.3.1.3 (NFPA 13D).

- 17. That a fire hazard reduction plan prepared by a qualified professional be prepared, approved by the Town and implemented in the proposed open space area south of Harrison Street be completed prior to deeding of open space to Town.*

This stipulation is accounted for in the fire hazard assessment in Attachment A which is based on a “medium fuel” condition. IWUIC Section 202 considers defines this as vegetation consisting of round wood ¼ to 3 inches in diameter and references Fuel Models B, H, and T from the 1978 USDA Forest Service General Technical Report INT-39 National Fire Danger Rating System. These fuel models are excerpted and summarized below as examples of contemplated “Medium Fuel” conditions.

- Fuel Model B accounts for mature, dense fields of brush 6 feet or more in height. “One-fourth or more of the aerial fuel in such stands is dead. Foliage burns readily.”
- Fuel Model H contemplates a healthy stand of short-needled conifers (white pines, spruces, larches and firs) with sparse undergrowth and a thin layer of ground fuels.
- Fuel Model T includes sagebrush-grass types of the Great Basin and Intermountain West with shrubs which burn easily, and can also represent immature scrub oak and desert shrub associations of the West.

- 18. That the PD be redesigned to eliminate proposed townhomes and modify lot sizes that ensure that there is a minimum of 30 feet of clear space between the eave line of structures.*

This is unnecessary and contradicts Comment 13 which relies upon construction in accordance with the IWUIC. As a PD, all homes will be of appropriate ignition-resistant construction (IR2). Accordingly, the defensible space around each home should be acceptable as submitted, as provided for in IWUIC Section 603.2 excerpted below:

The fuel modification distance shall be not less than 30 feet or to the lot line, whichever is less.

Where the structure is less than 30 feet from a lot line, IR2 ignition-resistant

construction addresses the applicable criteria given in the top row of IWUIC Table 503.1.

CONCLUSION

AEGIS Engineering has prepared this Fire Protection Summary for Orchard Hills PD based upon review of select Town of Twisp Staff Report comments and applicable code provisions, including from the 2018 IWUIC.

Considering the findings of the project's April 2023 Traffic Impact Analysis, our fire hazard severity assessment, the commitment for installation of sprinklers in accordance with NFPA 13D, and compliance with 2018 IWUIC criteria, including the use of Class 2 Ignition-Resistant construction with metal or Class A roofs, Orchard Hills PD meets or exceeds the level of safety prescribed by the code.

Please contact me at 425-745-4700 or BrianT@AEGISEngineering.com with any questions or for clarification of the information presented in this report.

Prepared by:

Reviewed By:

AEGIS ENGINEERING

AEGIS ENGINEERING



Brian C. Thompson, P.E.



Grant Lilly, EIT-MD

Attachment

ATTACHMENT A

**INTERNATIONAL WILDLAND-URBAN INTERFACE CODE
FIRE HAZARD SEVERITY ASSESSMENT**

The following table illustrates the various site features addressed by the Fire Hazard Severity Form of the IWUIC and the corresponding assessment and explanation for each category score assigned to the Orchard Hills Planned Development in Twisp.

CATEGORY	POINTS		COMMENTS
	Form	Site	

A. SUBDIVISION DESIGN

1. Ingress/Egress			
Two or more primary roads	1	3	Harrison Street and McIntosh Lane represent a single access route through development.
One road	3		
One-way road in/out	5		
2. Width of Primary Road			
20 feet or more	1	1	Harrison Street and McIntosh Lane provide minimum 20-foot wide roadway.
Less than 20 feet	3		
3. Accessibility			
Road grade 5% or less	1	3	Varying road grades with portions exceeding 5%.
Road grade more than 5%	3		
4. Secondary Road Terminus			
Loop roads, cul-de-sacs	1	5	Harrison Street and McIntosh Lane each exceed 200 feet.
Dead-end road, max. 200'	3		
Dead-end road >200'	5		
5. Street signs			
Present	1	1	Street signs will be present.
Not present	3		

B. VEGETATION (WUIC DEFINITION)

1. Fuel Types			
Light	1	5	Ref. Section 202 for Fuel Model T per App. D.IV.B.2.a, conservatively accounting for woody brush on up to 2/3 of the site. If brush were less than 1/3 of the site, Fuel Model A would apply for grasses and score would reduce to 1.
Medium	5		
Heavy	10		
2. Defensible Space			
70% or more of site	1	10	Each lot needs only about 635 sq.ft. of defensible space for site to have at least 30%; each lot anticipated to have more, contributing to site total of over 50%.
30% to 70%	10		
Less than 30% of site	20		

C. TOPOGRAPHY

8% or less	1	10	Topography varies, generally does not exceed 30% in area of development, but hill with slopes steeper than 30% rises from west side of site.
8% to 20%	4		
20% to 30%	7		
30% or more	10		

CATEGORY	POINTS		COMMENTS
	Form	Site	

D. ROOFING MATERIAL

Class A	1	1	While IR2 construction only requires Class B roof per IWUIC Section 505.2, Orchard Hills will require roofs to be metal or Class A.
Class B	5		
Class C	10		
Nonrated	20		

E. FIRE PROTECTION – WATER SOURCE

500gpm hydrant w/in 1,000ft	1	1	New fire hydrants in accordance with Twisp standards will be installed along roadways and support required fire flow.
Hydrant >1,000ft	2		
Water <20 min. roundtrip	5		
Water 20 to 45 min. roundtrip	7		
Water >45min. roundtrip	10		

F. BUILDING CONSTRUCTION MATERIALS

Noncombustible siding/deck	1	1	Construction will meet IR2, equivalent to noncombustible siding and decks per IWUIC Sections 505.5 and 505.7.
NC siding/combustible deck	5		
Combustible siding and deck	10		

G. UTILITIES (GAS AND/OR ELECTRIC)

All underground utilities	1	3	Electric utilities underground; conservatively provides for above-ground gas service (i.e. propane tanks).
One underground, one above	3		
All aboveground	5		

TOTAL		44	Orchard Hills PD scores within the lowest identified hazard category based on use of IR2 construction for the homes and defensible space only between the homes and their property lines (<30'). Additionally, this score does not account for the increased level of safety present with all homes equipped with automatic fire sprinkler systems per NFPA 13D.
<i>Moderate Hazard</i>	(40-59)		
<i>High Hazard</i>	(60-74)		
<i>Extreme Hazard</i>	(>75)		

Memo

To: Kurt E. Danison, Town Planner Via Email: townplanner@townoftwisp.com
From: Mark Villwock, PE
CC: Duana Kolouskova
Date: June 21, 2023
Re: Orchard Hills Project Access



Following is our review of condition number 7 of the final staff report for the Orchard Hills Planned Development dated 5/17/23. This condition is in regards to the number of access points as follows:

7. The proposed second access from the proposed development to Isabella Lane be built to International Fire Code standards for an emergency fire apparatus access and be signed as such prior to final approval.

This secondary access to Isabella Lane requires construction offsite. There is an existing easement recording number 3269852 that in our reading of the easement would not allow the applicant to use the area as a fire access road. The easement is limited to maintenance access and nonmotorized public access. There was a public ROW in this area but it was vacated in exchange for the easement. As discussed throughout the hearing process with the planning commission there is an option in the fire code for sprinklers to be implemented instead of the secondary access. This requirement can be found in Appendix D of the International Fire Code as follows:

SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments.

Developments of one- or two-family *dwelling units* where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads.

Exceptions:

1. Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road and all *dwelling units* are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.
2. The number of *dwelling units* on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

Please note that this appendix has not been adopted by the Town but referencing these standards as guidance as best practices. In the listed exceptions the code requires either exception as an option. In this case if the applicant can't obtain the offsite easement they are proposing to utilize exception 1

to provide automatic fire sprinklers in accordance with the Fire Code. All homes in this development are proposed to have automatic fire sprinklers if the secondary access is not provided. Therefore, the condition should be amended to allow this exception.

RECOMMENDATION

It is our recommendation that condition number 7 be amended as follows:

7. If feasible, the proposed second access from the proposed development to Isabella Lane be built to International Fire Code standards for an emergency fire apparatus access and be signed as such prior to final approval. If this or other secondary access is not available prior to approval of the first building permit, all homes within the development will be provided with automatic fire sprinkler systems meeting the most current code at the time of building permit submittal.

Appeal of MDNS (Dated May 24, 2023 under SEPA) and MDNS/Project Comments

TWPD 22-02, Orchard Hills Planned Development

Submitted: June 23, 2023

From: Isabelle Spohn, 419 N. Methow Valley Highway, Twisp, Wa. 98856. 509-997-4425.

Submitted electronically to: townplanner@townoftwisp.com,

deputyclerk@townoftwisp.com

clerktreasurer@townoftwisp.com

To: Kurt Danison, Town of Twisp Planner

Randy Kilmer, Town Clerk and Treasurer

Heather Davis, Deputy Clerk and Planning Commission

Dear Mr. Danison, Ms. Davis, and members of the Twisp Planning Commission:

Thank you for this opportunity to comment on the SEPA process for the Orchard Hills development proposal and on the project itself. Please consider this letter an appeal of the MDNS due to concerns that have been previously expressed by the public and have still not been adequately addressed with appropriate mitigations in the MDNS as written.

In addition, I am incorporating by reference any and all comments and appeals I previously submitted for:

DNS dated 6/26/22;

MDNS dated 1/ 5/23;

MDNS dated 2/1/23

A. PROCEDURAL CONCERNS:

***The Threshold Determination was not available to the Planning Commission** during its review and discussion on May 10th and May 17th. The SEPA process was not complete at the time of the deliberations of the Planning Commission, including Findings of Fact and Proposed Conditions. It is required by Twisp Municipal Code that the Threshold Determination and Findings of Fact be available at the time the Planning Commission reviews the project. The current description of the project being presented to the Town Council is out of date.

*I am filing this appeal electronically in a timely fashion by the end of the business day today. Hopefully they will be accepted. **However, since the Town's offices are closed on Friday, this presents a complication for others who do not file such documents electronically.**

***While public comments are due today, there is no up-to-date map of revisions to the last proposal/DNS.** Thus it is not possible for the public to comment in a knowledgeable manner by today. Due to numerous changes and re-written documents over the time this development has been under discussion, there is confusion as to how this proposal will look as currently planned with no updated site plan containing revised housing density, egress in case of wildfire, etc. Numerous changes and suggested (or delayed) changes need to be incorporated into a fresh and accurate application, Threshold Determination/MDNS, and site plan for the public to review.

***Published deadline of July 19th for appeal to Superior Court is not clear** in relation to the deadlines in Code.

***There is no way the Planning Commission can logically recommend approval of such a project before existing adequate egress in regards to fire actually exists** - which it clearly does not. Possibilities for adequate egress have been discussed, but nothing has been confirmed in regards to legal access, enforcement of this access and the conditions required. In fact, it appears more than likely that such egress will not materialize.

In conclusion, neither can the Planning Commission pass on an adequate recommendation to the Town Council as to SEPA, the MDNS or comment on the project itself without a revised application, revised site plan, and adequate map that can be clearly understood by the Commission and the commenting public.

B. SUBSTANTIVE ENVIRONMENTAL ISSUES IN RELATION TO THE MDNS, REQUIRING AN EIS OR UPDATED MDNS FOR THE PLANNING COMMISSION.

1) MDNS and Traffic backup probability in the area of the junction of May Street/ Lookout Mountain Road/Twisp River Road and Twisp Fire Hall parking lot

Fire in such a densely populated area as the May Street development together with Orchard Hills could result in many more casualties than the three individuals who lost their lives on Woods Canyon Road - considering the existing egress problems of May Street exacerbated by 52 new units (now changed? But still a considerable impact) plus more vehicles attempting to evacuate at the same time as firefighting units attempt to access the area.

Emergency ingress and egress for both developments plus responding emergency vehicles must be addressed adequately in any MDNS for this project.

In addition, it seems to be forgotten that the Twisp Fire Hall is very close to the May Street/ Twisp River Road/Lookout Mountain intersection. Fire engines and volunteer firefighters will likely be attempting to enter/leave the Fire Hall parking lot during a wildfire event at the same time Twisp River residents could be evacuating via Twisp River Road and/or

entering May Street and Orchard Hills communities to help friends and relatives evacuate. In addition, attempted evacuation of livestock from the White farm should be considered.

These issues or mitigations are not addressed in the MDNS except to say that an egress route has to be completed within 5 years. This is not adequate. What will happen if the egress road possibility does not materialize? What kind of obligations will the town have incurred? And what position will the developer be in at that point, having spent time and money up to that point only to find that no egress can be established?

The Town of Twisp's claims as to a "Pre-existing condition" on May Street:

An EIS must be issued, addressing the cumulative impacts of all units and new traffic expected to exist upon build-out. Without updated maps, without any confirmed additional egress, without updated traffic estimates, and without other important updated factors, the public is unable to comment effectively and the Planning Commission is unable to deliver a realistic recommendation to the Town Council

During the recent 2/8/2023 public hearing on the Orchard Hills proposal itself, the Town Planner emphasized that the proponents of this new project did not bear burden of responsibility to solve the lack of ingress/egress situation, since the existing May Street community already has an issue in that regard. However, the very fact that such a situation already exists emphasizes the fact that any further development (Orchard Hills) poses an even greater risk than already exists. **It is the "direct, indirect, and cumulative impacts" that are in question. Consider the reasoning in *Lanzce Douglass v. City of Spokane Valley* once again on "pre-existing deficiencies:"**

" [14-16] ¶35 Douglass's plat has not been conditioned on improving a preexisting deficiency. The hearing examiner here reversed the mitigated determination of nonsignificance and remanded for preparation of an environmental impact statement to address emergency evacuation. Yes, the hearing examiner refers to evacuation of the entire Ponderosa area and considers evidence that even the current population is inadequately served by the two egress roads. But his decision is not based on preexisting deficiencies. It focuses instead on the cumulative effect of the traffic from the Ponderosa development. An environmental impact statement analyzes the "direct, indirect, and cumulative impacts" of a proposed project. WAC 197-11-060(4)(e)."

*¶36 SEPA requires that decision makers consider more than the narrow, limited environmental impact of the current proposal. *Cheney v. City of Mountlake Terrace*, 87 *Wn.2d* 338, 344, 552 P.2d 184 (1976). And so the hearing examiner properly considered the impact of adding traffic from the Ponderosa PUD to the current egress roads. He concluded that an environmental impact statement was necessary to address what are probable significant adverse effects of the proposed project on the ability to safely evacuate the area.*

WAC 197-11-360(1); RCW 43.21C.031; SVMC 21.20.100, .110. That is an appropriate consideration and an appropriate conclusion.

2) Future Overwhelming of the Community's roads at :

1) The intersection of May Street/Lookout Mt Road, Twisp River Road and the existing fire hall. How long would evacuation take for the May Street and proposed Orchard Hills communities, considering that fire-related vehicles could very likely be attempting to use the same narrow roadway for ingress, together with traffic from neighbors or relatives assisting with evacuation?

2) At the intersection of Twisp River Road and Highway 20. This includes possible (or likely) increase in evacuation traffic coming from the north from both Twisp residents and residents outside the town limits. This intersection is already causing traffic problems that would only increase in case of wildfire.

The proposed mitigation of a traffic director is inadequate. The efficacy of putting a traffic director at the intersection of Twisp River Road and Highway 20 in the event of evacuations and fire traffic has not been analyzed and, especially in a worse case scenario, could be tragic. Such a scenario, considering the current wildfire situation, is not speculative, but actually quite likely in the case of wildfire evacuations.

Please consider the reasoning of the Court in *Lanzce Douglass v. City of Spokane Valley* in paragraph 38 regarding roads:

¶38 Douglass suggests that the approval of several other development projects in the Ponderosa area, including Ponderosa Ridge, requires approval of this project without addressing the probable adverse environmental impacts of the cumulative impact. **But at some point, the population growth in an area will overwhelm the roads.** The evidence supports the hearing examiner's findings that the **City failed to adequately evaluate emergency evacuation** (see CP at 85-86 (Conclusions of Law 18-25)), and those findings support the hearings examiner's conclusions that **an environmental impact statement is necessary**. *University Place*, 144 Wn.2d at 652; *Hilltop Terrace*, 126 Wn.2d at 34.

Questions such as the following should be answered and accompanied with adequate mitigation in a revised checklist and MDNS (with map) or with the analysis an EIS would provide by focusing upon direct, indirect, and cumulative impacts.

* During an evacuation scenario, can important nearby intersections (such as the intersection of May Rd/ Twisp River Road, Fire Hall **and** the close-by intersection of Highway 20 and Twisp River Road,) even be mitigated for such a large development in the proposed location and terrain?) Is this development proposal in the wrong location?

- * What mitigations are necessary, and who will be responsible for carrying them out at these intersections? If a new (and unlikely) egress is obtained, what will be the impact of the egress upon the school bus parking areas and the Twisp-Carlton road where this prospective egress joins that road? How about the junction of Twisp-Carlton road and Highway 20? There has been no analysis of these vague egress plans by a qualified Fire Marshal.

C. ADDITIONAL COMMENTS:

The town needs to consider the extent of obligations it is taking on if this proposal proceeds now without further analysis. This means that the tax burden on taxpayers also needs to be considered. The following items are of concern to me, as a resident of Twisp. A town that can't even afford \$2.50 increased taxes for each parcel for Firewise services by the Conservation District needs to reconsider the much larger cost that will be incurred by approval of this project as currently designed.

I am concerned about these items, although it is not an exhaustive list. The impacts upon humans, such as increased taxes, are an environmental concern.

- *Maintenance of storm water management system.

- *Enforcement of the International Fire Code requirements.

- *Maintenance of the proposed 20 foot emergency access road from Isabella Lane and enforcement of no barricade.

- *Adoption of the 2018 International WUI Code as of July, 2023 and enforcement of that Code .

- * Cost of obtaining services for ongoing information and review of on the International WUI Code when review of all permit applications, to ensure compliance.

- * Amending of capital facilities plan and Transportation Plan along with proposed second point of access to May Street to Twisp-Carlton road.

- * Adequate maintenance of the 100 ' fire buffer along the westerly edge of Orchard Hills.

- * Establishment,, implementation, and maintenance of a fire hazard and reduction plan for the opens space planned south of Harrison St. by a professional.

- * Amending the town building code to comply with the mitigations on air quality.

- * Escalation in real estate taxes and demand for services. Town residents.
- * Enforcement of all Code as a result of this development, in the face of no Town police force, a Planner who is contracted for 3 hours a week, and no enforcement by the County.

Sincerely yours,

Isabelle Spohn

June 23, 2023

To the Mayor, Council, City Clerk and Town Planner
Town of Twisp
PO Box 278
118 Glover Street
Twisp, Washington 98856

RE: Orchard Hills Development
SEPA MDNS: Dated May 24, 2023 Application: 22-02
Dated May 24, 2023
Published May 31 & June 7, 2023
Comment/Appeal Deadline, June 23, 2023

Please accept this written notice of my comments and appeal of SEPA MDNS described above, we also reserve the right to appeal this MDNS in Superior Court.

-The Comprehensive Plan and the Zoning Ordinance MUST be consistent with each other and they are not. In the mitigating conditions set forth in the Mitigation Plan supporting the Mitigated Determination of Non-Significance attached to the MDNS on Page 5 openly admits the Town's Comprehensive Plan contains some contradictory goals and principles.

Example would be Ordinance 753 in the District Use Chart Appendix A, on page 10, Subdivisions are allowed in an R1 and a Planned Development is not mentioned, but allowed in R3 as a mixed use development (PD), is prohibited in R1. Nowhere in the District Use Chart does it state that a Planned Development is allowed in R1 zone.

-Nowhere in definitions in the Zoning Ordinance does it truly list the definitions and requirements of a Planned Development, we only have what the Planner has stated.

-Nowhere in definitions in the Zoning Ordinance does it truly list the definitions and requirements of a Subdivision, we only have what the Planner has stated.

-The biggest problem at this time is that this is not a Planned Development, this is a ~~56~~ lot Subdivision. If this was truly a Planned Development, the three Open Space Tracts would come under the authority of an HOA. And those Open Spaces would be retained and maintained by the HOA.

55 INCLUDES
open space

-As it is being proposed, they're asking that the Town accept these three Open Spaces with all the financial burdens that come with the ownership, effectively removing ownership of the 52 lot Planned Development, requiring 40% Open Space, required to effectively be a PD.

- A financial burden to consider for this project, there will be approximately an addition of \$1450 dollars in fees to Methow Valley Irrigation District for the Open Space Tracts that the Town will encumber.

-In Recreation on page 7, the statement that it will open the area for hiking, is untrue, the developer does not own the property to the summit and is promoting trespassing.

-The statement that was made publicly at a Planning Commission meeting, but not listed as a condition was removing the word "footprints" and adding the word "envelope". TMC 18.45.050 Primary Development Plan Application (1) (C) states areas proposed to be developed with approximate footprints of proposed buildings and their nature (e.g., residential, community use, commercial, office, etc.) the Planning Commission has effectively altered the TMC without due process of law.

-In our review of the TMC Title 18, requirements of a Planned Development, we would suggest that the council thoroughly read and identify all of the failures of this Planned Development based on the requirements of TMC Title 18. Title proves a number of failures of the developer to include requirements shown in Title 18.

If the Town Council follows the recommendation of the Fire Marshal and requires the developer to "eliminate the proposed Townhouses and modify the lot sizes to ensure that there is a minimum of 30 feet of clear space between the eave line of structures", then the need for a proposed plan development (actually a subdivision trying to sell itself as a PD), is eliminated. No where in the Comprehensive Plan nor the Zoning ordinance is a planned development allowed outright, to stand on its own, in a R-1 zone. The ONLY thing the developer is doing is selling lots of property. No future plans have been made available to the Planning Commission or to the Town, or of the neighborhood residents about building homes, senior care centers, any commercial activities, etc.

Again, I've said it before, and it needs to be shouted out, this proposal is simply a subdivision of property, under the guise of a Planned development, and it our hope that the Council will see the light of this issue, and "Protect existing land uses and properties from the undue adverse impacts of adjacent developments.

Mark I and Leone C Edson
Residents of 321 Bigelow Street
Twisp, Washington

MARK IVAN EDSON
Leone C. Edson

Chapter 18.25
RESIDENTIAL ZONING DISTRICTS

18.25.030 Low-density residential single-family (R-1) district.

(1) Intent. The low-density residential single-family district is intended to reserve areas primarily for family living in single-family dwellings on large lots, characterized by privacy, an atmosphere conducive to sleep and repose, and living environments that promote the enjoyment of residential and neighborhood life. Certain community and commercial uses that are compatible with residential uses and consistent with the character of single-family neighborhoods should be allowed. Approved accessory dwelling units should be allowed.

(2) Uses Allowed.

(a) Uses allowed in the R-1 district are shown in the district use chart in Appendix A of this title.

WHICH APPENDIX "A"

(b) Approved accessory dwelling units may be allowed in R-1 zoning districts. The following standards shall apply:

THERE ARE
2 OF THIS TITLE

(i) Minimum lot size: 15,000 square feet.

(ii) In R-1 zoning districts, an accessory dwelling unit may be located in a separate accessory structure or incorporated within the principal dwelling. See definition in TMC 18.20.060.

(iii) Accessory dwelling units in R-1 zoning districts must be sited so that they will conform with all applicable regulations, including all setback requirements, if the parcel is to be divided.

(3) Dimensional Requirements. Lot sizes, minimum dwelling unit sizes, allowable densities, lot coverage, height and setbacks shall be as set forth in Table 5. (Ord. 620 § 5(3), 2010)

18.25.040 High-density residential single-family (R-2) district.

Appendix A
DISTRICT USE CHART

Uses of land in Twisp are regulated based on the primary or principal use of the land and/or structures occupying the land. In commercial and light industrial zones (excluding airport industrial) uses incidental, secondary, accessory or appurtenant to the primary or principal use of the land and/or structure do not have to be listed in the Use Chart as an allowed use in order to be allowed providing such uses do not represent a significant (greater than 30%) percentage or portion of use or activity and do not alter the appearance and overall use of the land and/or structure. Such uses must complete an Impact Assessment Checklist and may be conditioned by the Administrator to mitigate potential noise, dust and other impacts to adjoining properties.

Uses not listed: uses not listed in the district use chart may be allowed if they comply with the general and specific performance standards and with any special regulations that apply to the zoning district in which the use is proposed. The district use chart is not a prescriptive list of all allowed or disallowed uses, but a comprehensive list of examples.

LEGEND:

A = Allowed Use

P = Prohibited Use

AP = Allowed; Administrative Permit Required

PD = Planned Development Permit Required

CUP = Conditional Use Permit Required

BSP = Binding Site Plan

	R-1	R-2	R-3	C-1	C-2	C-3	C-R	I	AIR	PU ¹
General										
Accessory structures or uses ²	A	A	A	A	A	A	A	A	P	A
Accessory utilities	A	A	A	A	A	A	A	A	A	A
Data mining operations, server farms	P	P	P	P	P	P	P	CUP	CUP	P
Essential Public Facilities										

¹ - The Methow Valley School District property, formerly the Twisp High School and currently zoned PU, shall be allowed to include uses compatible with the C-1 district under the issuance of an administrative permit.

² - All accessory uses and structures (except for accessory dwelling units) shall be subject to the provisions of 18.20.050 TMC.

SUBDIVISIONS ALLOWED
PD ARE NOT MENTIONED

TOWN OF TWISP

	R-1	R-2	R-3	C-1	C-2	C-3	C-R	I	AIR	PU ¹
Fuel, oil, and coal distribution (wholesale)	P	P	P	P	P	AP	P	A	P ³	P
Garbage dumps, garbage, offal, dead animal reduction and/or disposal facilities	P	P	P	P	P	P	P	P	P	P
Mixed use development	P	P	PD	A	A	A	A	BSP ⁴	P	P
Municipal uses	AP	AP	A	A	A	A	A	A	A	A
Parking facilities	A ⁵	A ⁵	A ⁵	A	A	A	A	A	A ⁵	A
Primary utilities	A	A	A	A	A	A	A	A	A	A
Storage Containers	P	P	P	AP	AP	AP	AP	A	A	P
Subdivisions	A	A	A	A	A	A	A	A	A	A
Commercial uses										
Adult entertainment facilities -- as regulated in TMC 18.20.110	P	P	P	P	AP	AP	P	P	P	P
Automobile, boat, truck, trailer, motorcycle sales, service, display, rental or storage businesses	P	P	P	CUP	CUP	A	CUP	A	P	P
Automobile, truck, or other motor vehicle repairs shops	P	P	P	CUP	CUP	A	CUP	A	P	P
Car washes	P	P	P	P	AP	A	AP	A	P	P
Carpenter, cabinet or glass shops (retail)	P	P	P	A	A	A	A	A	P	P
Drive-in restaurants	P	P	P	P	A	A	A	P	P	P
Eating and drinking establishments	P	P	P	A	A	A	A	P	P	P
Electric, plumbing, or heating shops (retail)	P	P	P	AP	AP	A	A	A	P	P
Feed, grain and farm supplies	P	P	P	A	P	A	P	A	P	P

³ - Sale of aircraft fuel incidental to an airport is permitted in the AIR district.

⁴ - Limited to commercial and industrial uses.

⁵ - Limited to facilities accessory to a permitted use.

To the Town of Twisp
MDNS Comments/Appeal

RECEIVED
JUN 22 2023
TWISP CLERKS OFFICE

June 22, 2023

Attention: Kurt Danison, Town Planner
Randy Kilmer, Town Clerk/Treasurer

RE: Orchard Hills Project

Application: 22-02

SEPA MDNS: Dated May 24, 2023

Published May 31 & June 7, 2023

Comment/appeal deadline, June 23, 2023

Please, consider this notice of my comments and appeal of SEPA MDNA described above. The May 24, 2023 SEPA MDNS and the SEPA review for the project are flawed and cannot support further review or any approval decision by the town of Twisp regarding the project.

This is the fourth SEPA notice given on this project. Three previous notices were issued and withdrawn: DNS dated 6/26/22; MDNS dated 1/ 5/23; and MDNS dated 2/1/23. I have commented/appealed regarding each of those preceding notices. All of those preceding comments/appeals are incorporated herein by this reference

The current MDNS and the SEPA review fail to meet Washington's environmental review standards for at least the following reasons:

1. The SEPA process was not completed prior to the planning commission's deliberations on the permit application. The MDNS was published after it issued its Proposed Conditions and Findings of Fact.

The Twisp Municipal Code (TMC) requires the MDNS to be concluded before the planning commission reviews a permit application and creates its Proposed Conditions and Findings of Fact. The code says:

"The planning commission shall consider ... environmental information including review of the SEPA environmental checklist and the threshold determination thereon made by the responsible official...." See TMC 18.45.060(2).

In this case the "threshold determination" is the MDNS. There was no threshold determination in place when the planning commission met on May 10, 2023 and May 17, 2023. It had been withdrawn on March 28, 2023 and the planning commission was advised it would be reissued after their Proposed Conditions and Findings of Fact were finalized. The new MDNS was issued on May 24, 2023. Thus, the planning was unable to perform its duty under the code because it could not consider the "... threshold determination thereon...", which was not available as is required by the code as part of its review.

2. The MDNS states the deadline for filing comments/appeals is June 23, 2023. That is a Friday and Twisp town hall's posted schedule says the town offices and town hall are closed on Fridays. It is not possible for a person to file a comment/appeal at town hall on the stated deadline date.
3. The MDNS states the appeal deadline to appeal the MDNS to superior court is July 19, 2023. The basis for this deadline is unknown. It doesn't fit with known required appeal deadlines. There is little clarity in the town code regarding the appeal process. Appeals under the Land Use Petition

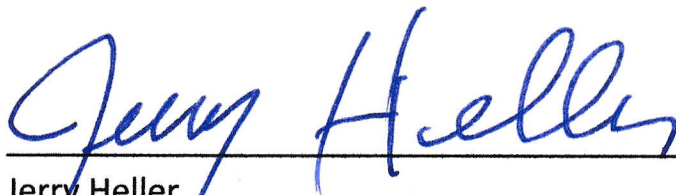
Act (LUPA; RCW Chapter 36.70C) must be filed within 21 days of the decision.

4. The description of the project in the MDNS is grossly inaccurate when compared to the project being presented to the council for consideration.
 - a. It describes a 52 unit subdivision, which is not accurate given the requirements of the fire marshal's report.
 - b. Bullet point four, "Wildfire," discusses "...fire sprinklers be provided if a second access isn't provided." The planning commission clearly required a second emergency access route from the subdivision to Isabella Lane and eliminated "sprinkled homes" as a fire protection alternative.
 - c. Bullet point nine, "Wildfire," requires the plan to be redesigned to provide a "...minimum of 30 feet clear space between the eave line of structures." This requirement will significantly change the layout and character of the subdivision; it is essential to the project and a revised site plan must be part of the SEPA public review.
5. Fire safety requirements mandate a 100' buffer strip along the west side of the subdivision. Comparing this to the outdated site plan it appears Lots 13, 22, 23, 24 and 25 encroach on the buffer area.
6. The 100' fire buffer strip is a necessary and integral part of the development which has not been depicted on the site plan. This area should be contained within the subdivision boundary and not be a part of the "open space."

Conclusion: The SEPA review and analysis, as required by state law and the Twisp Municipal Code, has not been met and cannot be completed without a new permit application and a revised site plan. In its current form both the application

and the site plan are incomplete and confusing to the extent it is not possible for the public to understand and make informed comments about it. Neither is it possible for the council to know what the project will look like when all recommended revisions are completed. The matter must be returned to staff with instructions to: 1) start over with clean, understandable documents; 2) require a new and fresh SEPA Checklist and new and fresh permit application; 3) include an updated site plan; and, 4) consider the recommendations of the planning commission

Respectfully, submitted this 22 day of June, 2023.



Jerry Heller

PO Box 546

510 B Bridge Street

Twisp, WA 98856

360.708.4320

jwheller70@yahoo.com

June 22, 2023

To the Mayor and Council
Town of Twisp
PO Box 278
118 Glover Street
Twisp, Washington
98862

RE: Orchard Hills Development
Town of Twisp
Application: PD 22-02

Responsibilities Assumed by Town

This paper is written to address the Town's obligations created by the proposed Orchard Hills subdivision and the resulting administrative and financial burdens which must be assumed by the town. It is always appropriate, timely and relevant for a Twisp resident to communicate financial and administrative concerns to the town's governing body.

This is based on the Proposed Conditions from the planning commission as set forth in the staff report dated May 17, 2023. It focuses on governance, that is, what the town must deal with if the subdivision is approved and built out. There will be management responsibility, cost burdens and exposure to liability. The town will be required to:

1. Maintain the Orchard Hills storm water management system, including the infiltration ponds which (according to the original site plan) appear to be in the open space. (#2)

2. Ensure that all access and fire flow requirements of the International Fire Code ((TMC 15.05.010(4)) are constructed prior to granting final approval. (#10)
3. Maintain, on a year-round basis, the 20' emergency access road servicing the subdivision from Isabella Lane. It will be located on about 350' of town right-of- way, about 125' of privately owned tax parcel #7290000201. It cannot be barricaded. (#11)
4. Adopt, as town code, the 2018 International Wildland-Urban Interface Code (as amended, new updates effective July, 2023). This must be done in order to give the town enforcement authority for the code. (#13)
5. Obtain the ongoing services of a qualified professional, knowledgeable in the International Wildland-Urban Interface code to act as the building official to review all construction permit applications in the subdivision to ensure compliance with the Wildland-Urban Interface code. (#13)
6. Amend its capital Facilities Plan and Six Year Transportation Improvement Plan and complete within 5 years a second point of access from the May Street neighborhood to the Twisp Carlton Road. (#15)
7. Maintain a 100' fire buffer (estimated to be about 2.5 acres) of gravel, irrigated grass or other acceptable fire-resistant vegetation along the westerly edge of the subdivision. (#16)
8. Establish, implement and maintain a fire hazard reduction plan for the proposed open space south of Harrison Street to be prepared by a qualified professional. (#17)
9. Amend the town building code to limit each home in the subdivision to one wood burning device and prohibit fireplaces. (#20)

Please, consider that Proponent must provide a 100' fire buffer (estimated 2.5 acres) and the infiltration ponds (estimated 7,000 – 8,000 s/f) which are required facilities for the permitting and long term operation of the project. They are essential and integral to the subdivision. They should be included within the boundary of the subdivision plat and not be located in the open space. Further, the town should not assume maintenance responsibility for these facilities.

The hype for “growth” is strong in communities. It must be balanced with the town’s administrative and financial resources capabilities. Twisp’s current population is 1,000-1,100 people. As proposed, the Orchard Hills subdivision would create 52 new homes. With a typical ratio of 2.5 persons per household the town’s population would increase by about 12% in a very short period of time.

Twisp’s tax levy is \$1.37 per \$1,000 valuation. Using \$400,000 as an average assessment, 52 homes would generate about \$28,500/yr in real estate taxes. This is not a significant amount considering the town’s annual budget of \$4.3 million. Yet, the demand for town public services would increase by 12%. The town must have the administrative and financial resources to satisfy such demand. Further, the town should not accept ownership of any of the open space. Doing so would forfeit the tax base associated with the 6.5, plus, acres.

Presently, Twisp has no code enforcement official. This has been mentioned in a number of recent council and planning commission meetings. The building official is contracted with Okanogan County and code enforcement is specifically excluded from his duties. The contracted town planner is swamped with ongoing planning activities with no time for code enforcement. The town is currently without a police force and receives limited services via contract with Okanogan County.

One example of deficient code enforcement is in the very neighborhood of the Orchard Hills proposal. The most recent subdivision is The School House Plat (2019). It contains a fire response hammer head. According to Fire District 6 specifications, the paved road is to be 26*’ wide; the fire hydrant on the south

side of Florence Lane is to have an adjacent pad so a response unit can be positioned next to it and not block other emergency units; and the hammerhead extensions are to total 120' in length. A recent on site visit established the pavement was 23' 3" wide, there was a ditch between the south side of the road and the hydrant which would not allow an emergency vehicle to pull alongside it and the hammerhead was only 100' long, 20' short of the standard. In addition, two vehicles were parked on the fire lane. Given the importance of fire safety in the Orchard Hills proposal, there is much concern about code enforcement, both during design and construction and thereafter. Of particular concern is snow removal on the proposed emergency vehicle access road from Isabella Lane to the subdivision.

The complexities of this subdivision application present an array of new code enforcement obligations including a high demand for building permits, compliance with the special provisions of the Wildland/Urban Interface code, special wood stove/fireplace rules, street parking issues in a dense residential area, snow removal and storage and others. It is necessary for the council members to consider these issues as they consider the Orchard Hills permit request.

Respectfully submitted,

/s/ Jerry Heller

Jerry Heller

PO Box 546

510 B Bridge Street

Twisp, WA 98856

jwheller70@yahoo.com

360.708.4320

**Okanogan County
Department of
Public Works
1234-A Second Avenue South
Okanogan, WA 98840**



**Josh Thomson, P.E.
Director/County Engineer**

**Kent Kovalenko
Solid Waste Manager**

June 7, 2023

Town of Twisp
Attn: Mayor Soo Ing-Moody
PO Box 278
Twisp, WA 98856

RE: Solid Waste Interlocal Agreement

Honorable Mayor Ing-Moody,

Enclosed, you will find an interlocal agreement between Okanogan County and your municipality for the County's solid waste disposal system. This is an update to our previous interlocal agreement signed in 2018.

The agreement wording is the same as the prior agreement with the intention of adoption an updated Comprehensive Solid Waste Management Plan. As you know, we are preparing to create the final draft of the solid waste management plan. Once it is prepared, we will send out a copy of the updated plan to you.

You are provided with two separate agreements for signature. Please sign and return both agreements to Okanogan County Public Works for signatures by the County Commissioners. One copy will be returned to you after signatures are gathered.

If you have any questions please contact me at (509) 422-2602 or via email at kkovalenko@co.okanogan.wa.us.

Thank you,

A handwritten signature in black ink, appearing to read "Kent Kovalenko".

Kent Kovalenko
Solid Waste Manager

cc: Amie Staggs, Administrative Technician

INTERLOCAL AGREEMENT

Solid Waste Disposal System

This Agreement, made and entered into on this ____ day of _____, 2023, is by and between Okanogan County (hereinafter referred to as "County") and the City of _____ (hereinafter referred to as "City").

WHEREAS, Okanogan County and the City executing this Agreement are authorized and directed by Chapter 70A.205 RCW to prepare a Comprehensive Solid Waste Management Plan, and are further authorized by Chapter 39.34 RCW to enter into an Interlocal Agreement for the administration and implementation of said plan; and

WHEREAS, Okanogan County has prepared a Comprehensive Solid Waste Management Plan, to be approved by the Washington State Department of Ecology and to be adopted by the Board of Okanogan County Commissioners, the adopted plan will include waste reduction and recycling elements for the County and City; and

WHEREAS, providing the most effective and efficient control of solid waste generated in Okanogan County, including the City, requires designation and use of the solid waste disposal system established by the County and the Comprehensive Solid Waste Management Plan of the County to the fullest extent possible, this Interlocal agreement designates and provides for the use of that system by the City;

WHEREAS, as required by RCW 70A.205.110 the Okanogan County Board of Commissioners established the Okanogan County Solid Waste Committee (SWAC) "to assist in the development of programs and policies concerning solid waste handling and disposal and to review and comment upon proposed rules, policies, or ordinances prior to their adoption", and

WHEREAS, the SWAC has assisted in the development of the 2023 update to the Okanogan County Comprehensive Solid Waste Plan

NOW, THEREFORE, Okanogan County and the City agree as follows:

Section 1. Authority

The parties to this Agreement jointly possess the power and authorization under Chapter 39.34 RCW, being entitled the "Interlocal Cooperation Act," to acquire or lease land for solid waste disposal purposes, to acquire and construct facilities, and to operate and maintain such facilities for the collection and disposal of solid wastes and do jointly agree that a countywide solid waste management system can best be achieved by cooperative action of the parties to this Agreement.

Section 2. Purpose

The purpose of this intergovernmental agreement is to provide for the recycling and disposal of solid wastes produced or generated within the City and within the unincorporated areas of the County.

Section 3. Powers

The City hereby delegates, and the County hereby assumes both the power and obligation to do each of the following:

- a. Provide solid waste recycling and disposal facilities.
- b. Establish a schedule of fees to be collected from all users of the disposal facilities to cover current operating expenses, equipment costs and facility rental expenses.
- c. Purchase, lease, receive as gifts or donations, or otherwise acquire all land, buildings, equipment, or supplies needed to provide a solid waste recycling and disposal system.
- d. Make or cause to be made studies and surveys necessary to carry out the functions of countywide solid waste management.
- e. Propose and recommend to participating parties to this Agreement such local ordinances governing collection and disposal of solid waste as might be deemed desirable.
- f. Provide for a system of budgeting, accounting and auditing of all funds associated with the solid waste system.
- g. Accept grants or loans of money or property from the United States, the State of Washington or any other person and to enter into any agreement in connection therewith, and to hold, use and dispose of such money or property in accordance with the terms of the gift, loan or grant.
- h. Perform other activities that are reasonably necessary to accomplish the purpose as stated in Section 2 of this Agreement.
- i. In carrying out all obligations of this Section, including but not limited to, annual solid waste budget approval and the setting of fees, the County shall consult with the Solid Waste Advisory Committee for guidance.

Section 4. Organization

- a. No separate legal or administrative agency is created by this Agreement.

- b. The Commissioners or their designated agent shall administer the solid waste recycling and disposal system for the benefit of all citizens residing in Okanogan County.
- c. The County shall require its staff and contractors to operate solid waste disposal facilities in accordance with such Comprehensive Solid Waste Management Plan as shall be approved by all the parties hereto and by the Washington State Department of Ecology.
- d. The Okanogan County Health Officer or his designated agent shall have the responsibility on behalf of the parties hereto to enforce appropriate health regulations with respect to solid waste and to issue to qualifying parties such permits and licenses as might be necessary.
- e. By this Agreement the City hereby designates the County solid waste system for the disposal of all solid waste generated within the corporate limits of the City, and within the scope of the Comprehensive Solid Waste Management Plan, authorizes the County to designate a disposal site or sites for the disposal of such solid waste generated within the corporate limits of the City except for: (1) recyclables and other materials removed from solid waste by reduction or waste recycling activities under the Solid Waste Management Plan and (2) those wastes including hazardous or hard-to-handle wastes either prohibited by law or required by the County to be specially handled. This designation of the County's system shall continue in full force and effect throughout the term of this Agreement. The designation of the County in this section shall not reduce or otherwise affect the City's control over solid waste collection as permitted or required by applicable state law.
- f. The City agrees that it shall as soon as practicable, amend its existing ordinances, franchises and/or contracts to provide that present and future solid waste collection companies operating within the City shall deposit all solid waste collected under said existing ordinances, franchises and/or contracts only at a disposal site to be designated by the Okanogan County Comprehensive Solid Waste Management Plan.
- g. In the event the City elects to provide solid waste collection through the use of municipal staff and equipment, the City shall direct all collected solid waste to a disposal site designated by the Comprehensive Solid Waste Management Plan.

Section 5. Financing

The County shall be solely responsible for providing and paying for capital facilities and equipment acquired by the County for the countywide system.

Section 6. Accounting and Audits

- a. The County shall maintain books of account for solid waste recycling and disposal operations in accordance with the requirements of the Washington State Auditor.
- b. Authorized representatives of the City shall have the right to inspect said books of account at any time.

Section 7. Property

No personal or real property will be jointly acquired. Each party will be responsible for acquiring, holding and disposing of property, real and/or personal, in order to carry out the terms of this Agreement.

Section 8. Term

It is understood that Chapter 70A.205 RCW requires that local governments prepare solid waste management plans at least every five years. Therefore, this Agreement shall expire five years from the date of adoption by the County of the Comprehensive Solid Waste Management Plan, with an automatic one-year extension of this Agreement should the Solid Waste Plan fail to be adopted within that five-year term.

Section 9. Fees Dispute

If fees in excess of those proposed and approved by the SWAC are adopted by the County, the City, within 30 days of the County's decision, may appeal the County's decision to a neutral arbitrator in accordance with Section 14 of this Agreement. The arbitrator shall determine a reasonable fee, which shall be binding on the parties.

Section 10. Rescission or Termination

This Agreement may be rescinded and all obligations herein terminated only by written consent of both parties hereto; **UNLESS** a party has materially breached this Agreement as determined by a neutral arbitrator. The party alleging breach shall provide notice to the other party within 20 calendar days of the event(s) giving rise to the alleged breach, and shall allow the other party 60 calendar days from the date of notice to comply with the terms of this Agreement, or longer if agreed by the parties. If the breaching party has not complied within the 60 day period, or an agreed later date, the party seeking termination may initiate arbitration proceedings in accordance with Section 14 of this Agreement.

Section 11. Admission of New Parties

The County shall execute substantially similar agreements with other participating cities and towns within Okanogan County. In the event that other public entities wish to join

the Okanogan County solid waste system, such a proposal shall be presented to the SWAC for their review and recommendation to the County. If an acceptable agreement is negotiated between the County and the proponent, a separate Interlocal agreement between the new parties and the County shall be executed.

Section 12. Amendments

Amendments to this Agreement shall only be made by written agreement of both the County and City.

Section 13. Miscellaneous

- a. No waiver by either party of any term or condition of this Interlocal Agreement shall be deemed or construed to constitute a waiver of any other term or condition or of any subsequent breach whether of the same or of a different provision of this Agreement.
- b. No other person or entity shall be entitled to be treated as a third-party beneficiary of this Agreement.
- c. The effective date of this Agreement is the date the last agreeing party affixed its signature.

Section 14. Dispute Resolution

- a. All disputes between the City and the County arising out of this Agreement shall be decided by arbitration in conformity with the provisions of Chapter 7.04 RCW, unless the parties mutually agree otherwise. The party demanding arbitration shall serve upon the other party, personally or by registered mail, a written notice of his intention to arbitrate. Each party shall select an arbitrator and the initial two arbitrators shall pick a third arbitrator, unless all parties can agree on a single arbitrator. The parties agree to be bound by the findings and award of such arbitration finally and without recourse to any court of law other than for the enforcement of the arbitrator's decision. The prevailing party in such action shall be entitled to its reasonable attorneys' fees and costs.
- b. As a condition precedent to the hearing of any arbitration or trial, the parties to this agreement shall submit any and all disputes between them to non-binding mediation with the assistance of an experienced mediator. The parties shall each designate a representative with full settlement authority who will participate for at least two hours in the mediation. The parties shall bear equally all expenses, exclusive of attorney's fees, associated with the mediation.

Section 15. Entire Agreement

This Contract constitutes the entire agreement between the County and the City and supersedes any prior negotiations or agreements either written or oral.

IN TESTIMONY WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized governing authorities as of the day and year last signed.

DATED at Okanogan, Washington this _____ day of _____, 2023.

Attest

City of _____

City Clerk

Mayor

DATED at Okanogan, Washington this _____ day of _____, 2023.

APPROVED AS TO FORM:

**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**

Esther Milner, Chief Civil Deputy

Chris Branch, Chairman

ATTEST:

Andy Hover, Vice Chair

Laleña Johns, Clerk of the Board

Jon Neal, Member

Diversified Design, Inc.
2828 Everett Ave, Everett WA 98201

Town of Twisp
PO Box 278, Twisp WA 98856

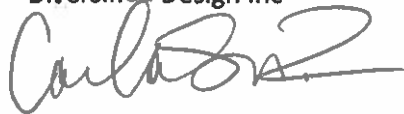
Re: Twisp Townhomes PD 22-01

Twisp Planning Commission and Town Council;

Please withdraw the preliminary approval and SEPA DNS for the Twisp Townhomes project.

Sincerely,

Carla Smith
Diversified Design Inc

A handwritten signature in black ink, appearing to read 'Carla Smith', written over the printed name.

5/26/23

RECEIVED

3 2023

TWISP CLERKS OFFICE



United States Department of Agriculture

Rural Development

Spokane Office

8815 E. Mission Ave
Spokane Valley, WA
99212

Voice 509.381.6723
Fax 855.847.5491

June 21, 2023

Town of Twisp
Mayor Soo Ing-Moody
P. O. Box 278
Twisp, WA 98856

Dear Mayor Ing-Moody:

SUBJECT: Letter of Conditions
Twisp, Town of
Sewer System Improvements
CFDA Number: 10.766
RD Loan (Subsequent) \$734,000
RD Grant (Subsequent) \$1,657,000
Applicant funding (Subsequent) \$139
RD Loan (Initial) \$915,000
RUS Grant (Initial) \$1,776,000
Applicant funding: \$200
CDBG: \$900,000

Dear Ms. Moody:

This letter establishes conditions which must be understood and agreed to by you before further consideration may be given to your application. The loan and grant will be administered on behalf of the Rural Utilities Service (RUS) by the State and Area staff of USDA Rural Development (RD), both of which are referred to throughout this letter as the Agency. Any changes in project cost, source of funds, scope of project, or any other significant changes in the project or applicant must be reported to and concurred with by the Agency by written amendment to this letter. This includes any significant changes in the Applicant's financial condition, operation, organizational structure or executive leadership. Any changes made without Agency concurrence shall be cause for discontinuing processing of the application.

This letter does not constitute loan and grant approval, nor does it ensure that funds are or will be available for the project. The funding is being processed on the basis of a loan not to exceed \$734,000 and a grant not to exceed \$1,657,000. The grant will be considered approved on the date Form RD 1940-1, "Request for Obligation of Funds" is signed by the Agency approval official.

The applicant will ensure projects are completed in a timely, efficient, and economical manner. You must meet all conditions set forth under Section III – Requirements Prior to Advertising for Bids within 1 year of this letter.

USDA is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

If you do not meet the conditions of this letter, the Agency reserves the right to withdraw Agency funding.

If you agree to meet the conditions set forth in this letter and desire further consideration, be given to your application, please complete and return the following forms within 10 days:

Form RD 1942-46, "Letter of Intent to Meet Conditions"
Form RD 1940-1, "Request for Obligation of Funds"

All parties may access information and regulations referenced in this letter at our website located at <https://www.rd.usda.gov/programs-services/water-environmental-programs/water-waste-disposal-loan-grant-program>.

The conditions are as follows:

SECTION I - PROJECT SCOPE

1. Project Description – Funds will be used to improve the west Coulee Dam Lift Station as part of the Waste Water Treatment plant project.

Facilities will be designed and constructed in accordance with sound engineering practices and must meet the requirements of Federal, State, and local agencies. The proposed facility design must be based on the December 2015 Preliminary Engineering Report (PER), prepared by Varela Engineering, and concurred with by the Agency.

2. Project Funding – The Agency is offering the following funding for your project:

RD Loan (Initial)	\$ 915,000
RUS Grant (Initial)	\$1,776,000
Applicant funding:	\$ 200
CDBG:	\$ 900,000

This offer is based upon the following additional funding being obtained.

RD Loan (Subsequent)	\$ 734,000
RUS Grant (Subsequent)	\$1,657,000
Applicant Funding:	\$ 139

TOTAL PROJECT FUNDING -	\$5,982,339
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Any changes in funding sources following obligation of Agency funds must be reported to the processing official. Prior to loan closing, any increase in non-Agency funding will be applied first as a reduction to Agency grant funds, up to the total amount of the grant, and then as a reduction to Agency loan funds.

The applicant must certify that they have exhausted all other funding avenues and have no pending funding considerations from any other sources. Further, the applicant must certify that they do not intend to apply anywhere else for funding for this project. If, after obligation of Agency funds, other

funding becomes available, the Agency reserves the right to deobligate any and all funding for this project and to re-underwrite. This may result in the offering of a different funding package to for this project.

Prior to advertisement for construction bids, you must provide evidence of applicant contributions and other funding sources. This evidence should include a copy of the commitment letter. Agency funds will not be used to pre-finance funds committed to the project from other sources.

3. Project Budget – Funding from all sources has been budgeted for the estimated expenditures as follows:

<u>Project Costs:</u>	<u>Total Budgeted:</u>	
Development – Twisp Ave Collection System (JR Const.)	\$ 373,155	
Development – Bio Solids Dewatering (POW Const.)	\$1,819,524	
Development – Screw Press Equipment & Install (FKC)	\$ 310,681	
Collection System (POW Bid) includes BABAA Costs	\$1,928,284	\$
Engineering	\$ 777,173	
Engineering Amendment	\$ 221,822	
Engineering Proposed	\$ 50,000	
Interim Interest	\$ 103,700	
Admin, Legal, Soft Costs -	\$ 37,500	
Contingency -	\$ 325,500	
Bond Council	\$ 35,000	
TOTAL -	\$5,982,339	

Project feasibility and funding will be reassessed if there is a significant change in project costs after bids are received. Obligated loan and/or grant funds not needed to complete the proposed project will be deobligated. Any reduction will be applied to Agency grant, funds first. If actual project costs exceed the project cost estimates, an additional contribution by the Owner may be necessary. An “Amended Letter of Conditions” will be issued for any changes to the total project budget.

4. Project Timeline – To ensure that the project proceeds in a timely manner, key processing milestones have been established in accordance with the PER or other Agency approved documentation. **Projects should be completed and Agency funds fully disbursed within three years of obligation.** By agreeing to the terms herein, you agree to comply with the milestones identified below. If, for any reason, one or more of the milestones cannot be met, you must notify the Agency in writing at least 30 days prior to the referenced date. Should your final completion date become more than three years after obligation the written request will follow the procedures outlined in Section VI of this letter, including the submission of not less than 90 days prior to the benchmark. The correspondence must contain a valid explanation as to why the milestone cannot be met and include a proposed revised project completion schedule. If the Agency agrees to the modification, a written confirmation will be issued. The Agency reserves the right to de-obligate loan and/or grant funds, or take other appropriate action, if the established or amended deadlines are not met.

<u>Milestone</u>	<u>Date</u>
Land & Easement Acquisition	Complete
Plans & Specifications, and Design Complete	Complete
Permits Acquisition Complete	Complete
Initial Advertisement for Bids	02/27/2023
Award Contract(s)/Initiate Construction	06/27/2023 Contingent on RD funding
Substantial Completion	10/30/2023
Final Completion	12/31/2023

SECTION II – RATES & TERMS

5. Interest Rates and Loan Terms – The interest rate will be the lower of the rate in effect at the time of loan approval or the time of loan closing, unless you request otherwise. Should the interest rate be reduced, the payment will be recalculated to the lower amount. The payment due date will be established as the day that the loan closes.

Loan #92-67002 was closed at a rate of 1.125% - Semi-annual payments \$14,238

6. Initial Loan Security – The initial and subsequent loans will be secured by revenue bonds with first lien positions in the amounts \$915,000 (initial) and \$734,000 (proposed). The bonds will be fully registered as to both principal and interest in the name of the “United States of America, Acting through the United States Department of Agriculture.” Bond Counsel was utilized in preparation of these documents.

The bond instruments and any ordinances or resolutions relating thereto must not contain any provision in conflict with the Agency Loan Resolution, applicable regulations, or associated laws. There is no defeasance or refinancing clause in conflict with the graduation requirements of 7 U.S.C. 1983.

Additional security requirements are contained in RUS Bulletin 1780-27, “Loan Resolution (Public Bodies) and/or RUS Bulletin 1780-12, “Water and Waste System Grant Agreement”. A draft of all security instruments, including draft bond resolution, must be reviewed and concurred in by the Agency prior to advertising for bids. Bond/loan resolutions must be duly adopted and executed prior to loan closing.

The Grant Agreement will be executed prior to the first disbursement of grant funds. The grantee understands that any property acquired or improved with Federal grant funds may have use and disposition conditions which apply to the property as provided by 2 CFR part 200 in effect at this time and as may be subsequently modified. The grantee understands that any sale or transfer of property is subject to the interest of the United States Government in the market value in proportion to its participation the project.

7. Reserves – Reserves must be properly budgeted and set aside to maintain the financial viability and sustainability of any operation. Reserves are important to fund unanticipated emergency repairs, to assist with debt service should the need arise, and for the replacement of assets which have a useful life less than the repayment period of the loan. The following reserves are required to be established as a condition of this loan:

- a. **Debt Service Reserve** – As a part of this Agency loan proposal, you must establish a debt service reserve fund equal to at least one annual loan installment for all loans that accumulates at the rate of 10% of one annual payment per year for ten years or until the balance is equal to one annual loan payment. Prior written concurrence from the Agency must be obtained before funds may be withdrawn from this account during the life of the loan. When funds are withdrawn during the life of the loan, deposits will continue as designated above until the fully funded amount is reached.
- b. **Short-Lived Asset Reserve** – In addition to the debt service reserve fund, you must establish a short-lived asset reserve fund. Based on the PER and recent update, you must deposit at least \$24,000 into the short-lived asset reserve fund annually for the life of the loan to pay for repairs and/or replacement of major system assets. It is your responsibility to assess your facility's short-lived asset needs on a regular basis and adjust the amount deposited to meet those needs.

SECTION III – REQUIREMENTS PRIOR TO ADVERTISING FOR BIDS

8. Organization – Per bond closing on 01/10/2023, the Bond Counsel transcripts of proceedings show that your organization is a duly incorporated public body and has continued legal existence. Your organization has the authority to own, construct, operate, and maintain the proposed facility, as well as for borrowing money, pledging security and raising revenues.

9. Suspension and Debarment Screening – You will be asked to provide information on the principals of your organization. Agency staff must conduct screening for suspension and debarment of the entity, as well as its principals through the Do Not Pay Portal.

- a. Principal –
 - i. An officer, director, owner, partner, principal investigator, or other person within a participant with management or supervisory responsibilities related to a covered transaction; or
 - ii. A consultant or other person, whether or not employed by the participant or paid with federal funds, who –
 1. Is in a position to handle federal funds;
 2. Is in a position to influence or control the use of those funds; or,
 3. Occupies a technical or professional position capable of substantially influencing the development or outcome of an activity required to perform the covered transaction. (2 CFR §180.995)

10. Environmental Requirements – At the conclusion of the proposal's environmental review process, specific action(s) were determined necessary to avoid or minimize adverse environmental impacts. As outlined in the Environmental Report (ER) dated October 06, 2015, the following actions are required for successful completion of the project and must be adhered to during project design and construction:

MITIGATION MEASURES:

Client to obtain all necessary permits for the project.

Client to use Construction Best Management Practices (BMP) for temporary erosion, sedimentation and dust controls during construction of project.

An Unanticipated Discovery Plan (UDP) must be in place before Notice to Proceed is issued. Attached is an acceptable Unanticipated Discovery plan. Before construction begins, the UDP will be discussed with construction crews to assure that they understand what must be done in case of an unanticipated discovery.

Unanticipated Discovery Plan

The following Unanticipated Discovery Plan (UDP) outlines procedures to perform in the event of discovering archaeological materials or human remains, in accordance with state and federal laws.

RECOGNIZING CULTURAL RESOURCES

A cultural resource discovery could be prehistoric or historic including:

An accumulation of shell, burned rocks, bricks, etc.

Bones or small pieces of bone

An area of charcoal or very dark stained soil with artifacts

Stone tools (flakes, projectile points, pestle, mortar, new weights, flaked cobbles)

Clusters of tin cans, bottles, or other historic artifacts that appear to be older than 50 years

Logging, agricultural, or railroad materials

ON-SITE RESPONSIBILITIES

Stop Work. If any employee, contractor, or subcontractor believes that he or she has discovered or uncovered a cultural resource at any point in the project, all work must stop in the immediate area of the discovery. Leave the surrounding area untouched and protect the discovery location. Notify the appropriate party(s).

Notify Appropriate Party(s). Notify a professional archaeologist of any possible cultural resources. A professional archaeologist may be needed to assess the discovery and they will consult with State Historic Preservation Officer (SHPO) and appropriate tribes to determine an appropriate course of action. Archaeological excavations may be required. This is handled on a case by case basis by the professional archaeologist and project manager, in consultation with the SHPO and appropriate Tribes.

SPECIAL PROCEDURES FOR THE DISCOVERY OF HUMAN SKELETAL MATERIAL

1. If possible human remains are encountered, all work must stop immediately. The remains must not be disturbed in any way and no photographs are to be taken. The project manager will notify law enforcement agency (Stevens County Sheriff's Office 509-684-5296) and the Stevens County Coroner (509-685-0685). The area must be secured with work not continuing until all consulting parties (SHPO and appropriate Tribes) involved have an agreed upon course of action.

If earth disturbing activities during any area of the project uncover human remains, all work shall cease immediately and the area around the discovery shall be secured. The local County law enforcement agency shall immediately be contacted, United States Bureau of Reclamation, Confederated Tribes of Colville Reservation and the Washington Department of Archeology and Historic Preservation shall be immediately notified.

The project, as proposed, has been evaluated to be consistent with the National Environmental Policy Act. Other Federal, State, tribal, and local laws, regulations and/or permits may apply or be required. If the project or any project element deviates from or is modified from the originally approved project, additional environmental review may be required.

11. Engineering Services – You have been required to complete an Agreement for Engineering Services, which should consist of the Engineers Joint Contract Documents Committee (EJCDC) documents as indicated in RUS Bulletin 1780-26, “Guidance for the Use of EJCDC Documents on Water and Waste Projects with RUS Financial Assistance,” or other approved form of agreement. The Agency has provided concurrence prior to advertising for bids and must approve any modifications to this agreement.

12. Contract Documents, Final Plans, and Specifications- All development will be completed by contract in accordance with applicable provisions of RUS Instruction 1780, Subpart C – Planning, Designing, Bidding, Contracting, Constructing and Inspections, (copy available upon request), and in compliance with all statutory requirements. You are responsible to share this with your engineer before pre-design.

- a. The plans and specifications and all proposals required by law must be approved by Washington State Statute RCW Title 35.
- b. In preparing final design and providing service to the planned project area, you and your engineer will comply with all zoning and planning requirements of the appropriate governing bodies where service is to be provided.
- c. The Agency will need to concur in the plans and specifications prior to advertising for bids. The Agency may require an updated cost estimate if a significant amount of time has elapsed between the original project cost estimate and advertising for bids.
- d. The use of any procurement method other than competitive sealed bids must be requested in writing and approved by the Agency.
- e. The contract documents must consist of the EJCDC construction contract documents as indicated in RUS Bulletin 1780-26 or other Agency-approved forms of agreement.

14. Legal Services – Legal services agreement verification as required with your attorney and bond counsel for any legal work as needed in connection with this project has been received.

15. Property Rights - you and your legal counsel has provided satisfactory evidence that you have adequate continuous and valid control over the lands and rights-of-way needed for the project.

16. System Policies, Procedures, Contracts, and Agreements – The facility must be operated on a sound business plan which involves adopting policies, procedures, and/or ordinances outlining the conditions of service and use of the proposed system. Mandatory connection policies should be used where enforceable. The policies, procedures, and/or ordinances must contain an effective collection policy for accounts not paid in full within a specified number of days after the date of billing. They should include appropriate late fees, specified timeframes for disconnection of service, and reconnection fees. A draft of these policies, procedures, and/or ordinances must be submitted for

Agency review and concurrence, along with the documents below, before project closing and retainage is released.

- a. **Conflict of Interest Policy** – Prior to obligation of funds, you must certify in writing that your organization has in place up-to-date written standards of conduct covering conflict of interest. The standards of conduct must include disciplinary actions in the event of a violation by officers, employees, or agents of the borrower. The standards identified herein apply to any parent, affiliate or subsidiary organization of the borrower that is not a state or local government, or Indian Tribe. Policies and accompanying documents shall be furnished to Rural Development upon request.

You must also submit a disclosure of planned or potential transactions related to the use of Federal funds that may constitute or present the appearance of personal or organizational conflict of interest. Disclosure must be in the form of a written letter signed and dated by the applicant's official. A negative disclosure in the same format is required if no conflicts are anticipated.

Sample conflict of interest policies may be found at the National Council of Nonprofits website, <https://www.councilofnonprofits.org/tools-resources/conflict-of-interest>, or in Internal Revenue Service Form 1023, Appendix A, "Sample Conflict of Interest Policy," at <http://www.irs.gov/pub/irs-pdf/i1023.pdf>. Though these examples reference non-profit corporations, the requirement applies to all types of Agency borrowers.

Assistance in developing a conflict of interest policy is available through Agency-contracted technical assistance providers if desired.

17. **Closing Instructions** – The Agency will prepare closing instructions as soon as the requirements of the previous paragraphs are complete, as well as a draft of the security instrument(s). Both your bond and legal counsel must comply with these instructions when closing the Agency loan/grant.
18. **System Users** – This letter of conditions is based upon your indication at application that there will be at least 533 residential users, 118 non-residential users on the existing and proposed system when construction is completed. This has been certified prior to construction.

If the actual number of existing and/or proposed users that have signed up for service is less than the number indicated at the time of application, you must provide the Agency with a written plan on how you will obtain the necessary revenue to adequately cash flow the expected operation, maintenance, debt service, and reserve requirements of the proposed project (e.g., increase user rates, sign up an adequate number of other users, reduce project scope, etc.). Similar action is required if there is cause to modify the anticipated flows or volumes presented following approval.

19. **Construction Account** – A separate construction account, subject to Agency audit, will be established for deposit of all project funds. These funds must be deposited in a bank with Federal Deposit Insurance Corporation (FDIC) insurance coverage. **If the balance in the account containing these funds exceeds the FDIC insurance coverage, the excess amount**

must be collaterally secured. A separate account will not be required for Federal funds and other funds; however, the recipient must be able to separately identify, report and account for all Federal funds, including the receipt, obligation and expenditure of funds. Financial institutions or depositories accepting deposits of public funds and providing other financial agency services to the Federal Government are required to pledge adequate, acceptable securities as collateral, in accordance with 202.6, 31 CFR Part 202. All funds in the account will be secured by a collateral pledge equaling at least 100 percent of the highest amount of funds expected to be deposited in the construction account at any one time.

- 20. Proposed Operating Budget** – You must establish and/or maintain a rate schedule that provides adequate income to meet the minimum requirements for operation and maintenance (O&M), debt service, and reserves. Prior to advertising for bids, you must submit a proposed annual operating budget to the Agency, as well as your proposed rate schedule. The operating budget should be based on a typical year cash flow after completion of the construction phase and should be signed by the appropriate official of your organization. Form RD 442-7, “Operating Budget,” or similar format may be utilized for this purpose. It is expected that O and M expenses will change over each successive year and user rates will need to be adjusted on a regular basis.

Technical assistance is available at no cost to help you evaluate and complete a rate analysis on your system. This assistance is available free to your organization. If you are interested, please contact our office for information.

- 21. Permits** –The owner or responsible party will be required to obtain all applicable permits for the project, prior to advertising for bids. The consulting engineer must submit written evidence that all applicable permits required prior to construction have been obtained with submission to the Agency of the final plans, specifications, and bid documents.
- 22. Risk and Resilience Assessment/Emergency Response Plan (RRA/ERP)** – The Agency requires all financed water and wastewater systems to have a RRA/ERP in place. New water or wastewater systems must provide a certification that an ERP is complete prior to the start of operation, and a certification that an RRA is complete must be submitted within one year of the start of operation. Borrowers with existing systems must provide a certification that an RRA/ERP has been completed prior to advertising for bids. Technical assistance is available in preparing these documents at no cost to you.

The RRA/ERP documents themselves are not submitted to the Agency. The RRA/ERP must address potential impacts from natural disasters and other emergency events. It should include plans to address impacts of flash flooding in areas where severe drought or wildfires occur. The documents should be reviewed and updated every five years at a minimum.

- 23. Bid Authorization** - Once all the conditions outlined in Section III of this letter have been met, the Agency will authorize you to advertise the project for construction bids. Such advertisement must be in accordance with applicable State statutes.

SECTION IV - REQUIREMENTS PRIOR TO START OF CONSTRUCTION

- 24. Disbursement of Agency Funds** - Agency funds will be disbursed electronically into the construction account as they are needed. SF 3881, "ACH Vendor/Miscellaneous Payment Enrollment Form," must be completed and submitted to the Agency prior to commencement of construction.

The order of disbursement is as follows: 1) Applicant contribution, 2) other funding sources, 3) interim financing or Agency loan funds, and 4) Agency grant funds. Interim financing or Agency loan funds will be expended after all other funding sources unless a written agreement is reached with all other funding sources on how funds are to be disbursed prior to the first disbursement. Interim financing funds or Agency loan funds must be used prior to the use of Agency grant funds. Agency Grant funds must not be disbursed prior to loan funds except as authorized in 7 CFR 1780.45(d).

Grant funds are to be deposited in an interest-bearing account (exception provided below) in accordance with 2 CFR Part 200 and interest in excess of \$500 per year remitted to the Agency. The funds should be disbursed by the recipient immediately upon receipt, and there should be little interest accrual on the Federal funds. Recipients shall maintain advances of Federal funds in interest-bearing accounts, unless:

- The recipient receives less than \$120,000 in Federal awards per year.
- The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
- The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
- A foreign government or banking system prohibits or precludes interest-bearing accounts.

- 25. Bid Tabulation** – Immediately after bid opening, you must provide the Agency with the bid tabulation and your engineer's evaluation of bids and recommendations for contract awards. If the Agency agrees that the construction bids received are acceptable, adequate funds are available to cover the total project costs, and all the requirements of Section III of this letter have been satisfied, the Agency will authorize you to issue the Notice of Award.

- a. **Cost Overruns** – If bids are higher than expected, or if unexpected construction problems are encountered, you must utilize all options to reduce cost overruns. Negotiations, redesign, use of bidding alternatives, rebidding or other means will be considered prior to commitment of subsequent funding by the Agency. Any requests for subsequent funding to cover cost overruns will be contingent on the availability of funds. Cost overruns exceeding 20 percent of the development cost at time of loan or grant approval or where the scope of the original purpose has changed will compete for funds with all other applications on hand as of that date.
- b. **Excess Funds** - If bids are lower than anticipated at time of obligation, excess funds must be deobligated prior to start of construction except in the cases addressed in this paragraph. In cases where the original PER for the project included items that were not bid, or were bid as an alternate, the State Office official may modify the project to fully utilize obligated funds for those items. Amendments to the PER, ER, and Letter of Conditions may be needed for any work not included in the original project scope. In all cases, prior to start of construction,

excess funds will be deobligated, with grant funds being deobligated first. Excess funds do not include contingency funds as described in this letter.

26. **Suspension and Debarment Screening** – In accordance with 2 CFR Part 180, Subpart C, as a condition of the transaction and the responsibilities to persons at the next lower tier with whom you enter into transactions, you must conduct screening for suspension and debarment of lower tier recipients (e.g., vendors, contractors, etc.).
27. **Contract Review** – Your attorney will certify that the executed contract documents, including performance and payment bonds, if required, are adequate and that the persons executing these documents have been properly authorized to do so in accordance with 7 CFR 1780.61(b).

Once your attorney has certified that they are acceptable, the contract documents will be submitted to the Agency for concurrence. Construction cannot commence until the Agency has concurred in the construction contracts.

28. **Insurance and Bonding Requirements** - You have submitted to the Agency proof of the types of insurance and bond coverage for the borrower shown below. The use of deductibles may be allowed, providing you have the financial resources to cover potential claims requiring payment of the deductible. The Agency strongly recommends that you have your engineer, attorney, and insurance provider(s) review proposed types and amounts of coverage, including any exclusions and deductible provisions. It is your responsibility and not that of the Agency to assure that adequate insurance and fidelity bond coverage is maintained.
 - a. **General Liability Insurance** – Include vehicular coverage.
 - b. **Workers' Compensation** – In accordance with appropriate State laws.
 - c. **Guaranty or Fidelity Insurance**—Coverage for all persons who have access to funds, including persons working under a contract or management agreement. Coverage may be provided either for all individual positions or persons, or through “blanket” coverage providing protection for all appropriate employees. Each position is to be insured in an amount equal to the maximum amount of funds expected to be under the control of that position at any one time. The minimum coverage allowed will be an amount equal to the total annual debt service payment on the Agency loans. The coverage may be increased during construction based on the anticipated monthly advances.
 - d. **National Flood Insurance** - If the project involves acquisition or construction in a designated special flood area, the community in which the acquisition or construction is situated must be currently participating in the national flood insurance program. Additionally, if the project involves acquisition or construction in designated special flood or mudslide prone areas, a flood insurance policy must be in place at the time of loan closing.
 - e. **Real Property Insurance** – Fire and extended coverage will normally be maintained on all structures except reservoirs, pipelines and other structures if such structures are not normally insured, and subsurface lift stations except for the value of electrical and pumping equipment. The Agency will be listed as mortgagee on the policy when the Agency has a lien on the property. Prior to the acceptance of the facility from the contractor(s), you must obtain real property insurance (fire and extended coverage) on all facilities identified above.

The Agency is to be listed as “Other Insured” so as to receive notifications on all insurance, regardless of security. Insurance types described above are required to be continued throughout the life of the loan. See Section VII.

- 29. Initial Civil Rights Compliance Review** – The Agency has conducted an initial civil rights compliance review of the borrower prior to loan closing in accordance with 7 CFR 1901, Subpart E. You are expected to comply with the completion of the review, including the furnishing of any documents, records, or other applicable material.

SECTION V – REQUIREMENTS PRIOR TO CLOSING

- 30. Interim Financing** – The Agency’s policy is to utilize interim financing for all loans exceeding \$500,000. Prepayment penalties on interim financing are not allowed. Borrowers are required to seek interim financing initially from private or cooperative lenders if funds can be borrowed at reasonable interest rates on an interim basis from those sources for the construction period. The fact that a commercial lender’s rates are higher than current Agency interest rates does not necessarily mean that the commercial rate is not reasonable.
- 31. Other Requirements** – All requirements contained in the Agency’s closing instructions, as well as any requirements of your bond counsel and/or attorney, must be met prior to loan closing.

System for Award Management. You will be required to maintain a Dun and Bradstreet Data Universal Numbering System (DUNS) number and maintain an active registration in the System for Award Management (SAM) database. Renewal can be completed online at: <http://sam.gov>. This registration must be renewed and revalidated every 12 months for as long as there is an active loan, grant, or guaranteed loan with the Agency.

To ensure the information is current, accurate and complete, and to prevent the SAM account expiration, the review and updates must be performed within 365 days of the activation date, commonly referred to as the expiration date. The registration process may take up to 10 business days. (See 2 CFR Part 25 and the “Help” section at <http://sam.gov>).

Litigation. You are required to notify the Agency within 30 days of receiving notification of being involved in any type of litigation prior to loan closing or start of construction, whichever occurs first. Additional documentation regarding the situation and litigation may be requested by the Agency.

Certified Operator. Evidence must be provided that your system has or will have a certified operator, as defined by applicable State or Federal requirements, available prior to the system becoming operational, or that a suitable supervisory agreement with a certified operator is in effect.

SECTION VI – REQUIREMENTS DURING CONSTRUCTION AND POST CONSTRUCTION

- 32. Construction Completion Timeframe** – Following the benchmarks established in Section I, Item 4, Project Timeline, all projects should be completed and Agency funds fully disbursed

within three years of the date of obligation. If funds are not disbursed within three years of obligation and you have not already done so per Section I, Item 4, you must submit a written request for extension of time to the Agency with adequate justification of the circumstances, including any beyond your control. The request must be submitted at least 90 days prior to the end of the three-year timeframe and include a revised estimated date of completion. The Agency will typically only allow one extension. Subsequent requests for waivers beyond the initial extension or requests that exceed five years from the initial date of obligation will be submitted to the RUS, Water and Environmental Programs for consideration. The Agency retains the right to de-obligate any loan and/or grant monies, or take other appropriate action, related to unliquidated funds that exceed the timeframes above and are not under an active extension.

33. **Resident Inspector(s)** – Full-time inspection is required unless you request an exception. Such requests must be made in writing and the Agency must provide written concurrence. Inspection services are to be provided by the consulting engineer unless other arrangements are requested in writing and concurred with by the Agency. A resume of qualifications of any resident inspector(s) will be submitted to the owner and Agency for review and concurrence prior to the pre-construction conference. The resident inspector(s) must attend the preconstruction conference.
34. **Preconstruction Conference** – A preconstruction conference will be held prior to the issuance of the Notice to Proceed. The consulting engineer will review the planned development with the Agency, owner, resident inspector, attorney, contractor, other funders, and other interested parties, and will provide minutes of this meeting to the owner and Agency.
35. **Inspections** - The Agency requires a preconstruction conference, pre-final, final, and warranty inspections. Your engineer will schedule a warranty inspection with the contractor and the Agency before the end of the [one-year] warranty period to address and/or resolve any outstanding warranty issues. The Agency will conduct an inspection with you of your records management system at the same time and will continue to inspect the facility and your records system every three years for the life of the loan. See Section VII of this letter.
36. **Change Orders** – A Change Order must be submitted for all modifications to the approved scope of work, including existing contracts. This includes non-physical modifications such as any time extension requests. Prior written Agency concurrence is required for all Change Orders.
37. **Payments** – Prior Agency concurrence is required for all invoices and requests for payment before Agency funds will be released. Requests for payment related to a contract or service agreement will be signed by the owner, project engineer, and contractor or service provider prior to Agency concurrence. Invoices not related to a construction contract or service agreement will include the owner's written concurrence.
38. **Use of Remaining Funds** – As stated above, applicant contribution and connection or tap fees will be the first funds expended in the project. Funds remaining after all costs incident to the basic project have been paid or provided will be handled as follows:

- a. Funds remaining after the applicant contribution and connection fees may be considered in direct proportion to the amounts of funding obtained from each source. The use of Agency funding will be limited to eligible loan and grant purposes, provided the use will not result in major changes to the original scope of work and the purpose of the loan and grant remains the same.
- b. Any reductions in the Agency funding will be first applied to the grant funds.
- c. Grant funds not expended for authorized purposes will be cancelled (de-obligated) within 90 days of final completion of project. Prior to actual cancellation, you, your attorney and engineer will be notified of the Agency's intent to cancel the remaining funds and given appropriate appeal rights.
- d. Under no circumstances is it appropriate to use remaining funds as contributions to a new project outside the scope of the funded project.

39. Technical, Managerial and Financial Capacity - It is required that members of the City Council members other governing members possess the necessary technical, managerial, and financial capacity skills to consistently comply with pertinent Federal and State laws and requirements. It is recommended members receive training within one year of appointment or election to the governing board, and a refresher training for all governing members on a routine basis. The content and amount of training should be tailored to the needs of the individual and the utility system. Technical assistance providers are available to provide this training for your organization, often at no cost. Contact the Agency for additional information.

40. Reporting Requirements Related to Expenditure of Funds -- An annual audit under 2 CFR 200 is required if you expend \$750,000 or more in Federal financial assistance per fiscal year. The total Federal funds expended from all sources shall be used to determine Federal financial assistance expended. Expenditures of interim financing are considered Federal expenditures.

All audits are to be performed in accordance with 2 CFR Part 200, as adopted by USDA through 2 CFR Part 400. Further guidance on preparing an acceptable audit can be obtained from the Agency. The audit must be prepared by an independent licensed Certified Public Accountant, or a State or Federal auditor if allowed by State law and must be submitted within 9 months of your fiscal year end. Both the audit and accompanying management report must be submitted for review.

If an audit is required, you must enter into a written agreement with the auditor and submit a copy of that agreement to the Agency prior to the advertisement of construction bids. The audit agreement may include terms and conditions that the borrower and auditor deem appropriate; however, the agreement should include the type of audit to be completed, the time frame in which the audit will be completed, and how irregularities will be reported.

SECTION VII – SERVICING REQUIREMENTS DURING THE TERM OF THE LOAN

41. Annual Financial Reporting/Audit Requirements – You are required to submit an annual financial report at the end of each fiscal year. The annual report will be certified by the appropriate organization official, and will consist of financial information, a current rate schedule, and listing of board members with their terms. Financial statements must be

prepared on an accrual basis of accounting in accordance with generally accepted accounting principles (GAAP). The annual report will include separate reporting for each water and waste disposal facility, and itemized cash accounts by type (debt service, short-lived assets, etc.) under each facility. All records, books and supporting material are to be retained for three years after the issuance of the annual report. Technical assistance is available, at no cost, with preparing financial reports.

The type of financial information that must be submitted is specified below:

- a. **Audits** – An audit under the Single Audit Act is required if you expend \$750,000 or more in Federal financial assistance per fiscal year. The total Federal funds expended from all sources shall be used to determine Federal financial assistance expended. Expenditures of interim financing are considered Federal expenditures.

See Section VI for additional information regarding audits.

- b. **Financial Statements** – If you expend less than \$750,000 in Federal financial assistance per fiscal year, you may submit financial statements in lieu of an audit which include, at a minimum, a balance sheet and an income and expense statement. You may use Form RD 442-2, “Statement of Budget, Income and Equity,” and 442-3, “Balance Sheet,” or similar format to provide the financial information. The financial statements must be signed by the appropriate borrower official and submitted within 60 days of your fiscal year end.

42. **Annual Budget and Projected Cash Flow** - Thirty days prior to the beginning of each fiscal year, you will be required to submit an annual budget and projected cash flow to this office. The budget must be signed by the appropriate borrower official. Form RD 442-2, “Statement of Budget, Income and Equity,” or similar format may be used.

Technical assistance is available at no cost to help you evaluate and complete a rate analysis on your system, as well as completing the annual budget.

43. **Graduation** - By accepting this loan, you are also agreeing to refinance (graduate) the unpaid loan balance in whole, or in part, upon request of the Government. If at any time the Agency determines you can obtain a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms, you will be requested to refinance. Your ability to refinance will be assessed every other year for those loans that are five years old or older.
44. **Security/Operational Inspections** – The Agency will inspect the facility and conduct a review of your operations and records management system and conflict of interest policy every three years for the life of the loan. You must participate in these inspections and provide the required information.
45. **System for Award Management**. You will be required to maintain a Dun and Bradstreet Data Universal Numbering System (DUNS) number and maintain an active registration in the System for Award Management (SAM) database. Further information can be found at paragraph 34 of this letter.

- 46. Risk and Resiliency Assessment/Emergency Response Plan (RRA/ERP)** – The RRA/ERP is further outlined under Section III of this letter. You will be required to submit a certification to the servicing office every five years that the RRA/ERP is current and covers all sites related to the facility. The RRA/ERP documents themselves are not submitted to the Agency. The RRA/ERP must address potential impacts from natural disasters and other emergency events. It should include plans to address impacts of flash flooding in areas where severe drought or wildfires occur. Technical assistance is available in preparing these documents at no cost to you.
- 47. Insurance**. – Insurance requirements are further outlined in Section IV of this letter. You will be required to maintain insurance on the facility and employees as previously described in this letter for the life of the loan.
- 48. Statutory and National Policy Requirements** – As a recipient of Federal funding, you are required to comply with U.S. statutory and public policy requirements, including but not limited to:
- a. **Section 504 of the Rehabilitation Act of 1973** – Under Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), no handicapped individual in the United States shall, solely by reason of their handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Agency financial assistance.
 - b. **Civil Rights Act of 1964** – All borrowers are subject to, and facilities must be operated in accordance with, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and 7 CFR 1901, Subpart E, particularly as it relates to conducting and reporting of compliance reviews. Instruments of conveyance for loans and/or grants subject to the Act must contain the covenant required by Paragraph 1901.202(e) of this Title.
 - c. **The Americans with Disabilities Act (ADA) of 1990** – This Act (42 U.S.C. 12101 et seq.) prohibits discrimination on the basis of disability in employment, State and local government services, public transportation, public accommodations, facilities, and telecommunications.
 - d. **Age Discrimination Act of 1975** – This Act (42 U.S.C. 6101 et seq.) provides that no person in the United States shall on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
 - e. **Limited English Proficiency (LEP) under Executive Order 13166** - LEP statutes and authorities prohibit exclusion from participation in, denial of benefits of, and discrimination under Federally-assisted and/or conducted programs on the ground of race, color, or national origin. Title VI of the Civil Rights Act of 1964 covers program access for LEP persons. LEP persons are individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. These individuals may be entitled to language assistance, free of charge. You must take reasonable steps to ensure that LEP persons receive the language assistance necessary to have meaningful access to USDA programs, services, and information your organization provides. These protections are pursuant to Executive Order 13166 entitled, “Improving Access to Services by Persons with Limited English Proficiency” and further affirmed in the USDA Departmental Regulation

4330-005, “Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency in Programs and Activities Conducted by USDA.”

- f. **Controlled Substances Act** - Even though state law may allow some activities, as a recipient of Federal funding, you are subject to the Controlled Substances Act. Specific questions about the Controlled Substances Act should be directed to the Servicing Official who will contact the Office of General Counsel, as appropriate

- 49. **Compliance Reviews and Data Collection** – Agency financial programs must be extended without regard to race, color, religion, sex, national origin, marital status, age, or physical or mental handicap. You must display posters (provided by the Agency) informing users of these requirements, and the Agency will monitor your compliance with these requirements during regular compliance reviews.

The Agency will conduct regular compliance reviews of the borrower and its operation in accordance with 7 CFR Part 1901, Subpart E, and 36 CFR 1191, Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines. Compliance reviews will typically be conducted in conjunction with the security inspections described in this letter.

If beneficiaries (users) are required to complete an application or screening for the use of the facility or service that you provide, you must request and collect data by race (American Indian or Alaska Native, Asian, Black or African American, White); ethnicity (Hispanic or Latino, Not Hispanic or Latino); and by sex. The Agency will utilize this data as part of the required compliance review.

SECTION VIII – REMEDIES FOR NON-COMPLIANCE

Non-compliance with the conditions in this letter or requirements of your security documents will be addressed under the provisions of Agency regulations, statutes, and other applicable policies.

We look forward to working with you to complete this project. If you have any questions, please contact Rick Rose at 509-381-6723 or by e-mail at Richard.rose@usda.gov

Sincerely,

RICK ROSE
Community Programs Loan

CC:
KONI REYNOLDS
Community Programs Director

REQUEST FOR OBLIGATION OF FUNDS

INSTRUCTIONS-TYPE IN CAPITALIZED ELITE TYPE IN SPACES MARKED () Complete Items 1 through 29 and applicable Items 30 through 34. See FMI.			
1. CASE NUMBER ST CO BORROWER ID		LOAN NUMBER	FISCAL YEAR
2. BORROWER NAME		3. NUMBER NAME FIELDS (1, 2, or 3 from Item 2)	
4. STATE NAME		5. COUNTY NAME	
GENERAL BORROWER/LOAN INFORMATION			
6. RACE/ETHNIC CLASSIFICATION 1 - WHITE 2 - BLACK 3 - AI/AN 4 - HISPANIC 5 - A/PI	7. TYPE OF APPLICANT 1 - INDIVIDUAL 2 - PARTNERSHIP 3 - CORPORATION 4 - PUBLIC BODY 5 - ASSOC. OF FARMERS 6 - ORG. OF FARMERS 7 - NONPROFIT-SECULAR 8 - NONPROFIT-FAITH BASED 9 - INDIAN TRIBE 10-PUBLIC COLLEGE/UNIVERSITY 11-OTHER	8. COLLATERAL CODE 1- REAL ESTATE SECURED 2-REAL ESTATE AND CHATTEL 3 - NOTE ONLY OR CHATTEL ONLY 4 - MACHINERY ONLY 5 - LIVESTOCK ONLY 6 - CROPS ONLY 7 - SECURED BY BONDS 8 - RLF ACCT	9. EMPLOYEE RELATIONSHIP CODE 1 - EMPLOYEE 2 - MEMBER OF FAMILY 3 - CLOSE RELATIVE 4 - ASSOC.
10. SEX CODE 1 - MALE 2 - FEMALE 3 - FAMILY UNIT 4 - ORGAN. MALE OWNED 5 - ORGAN FEMALE OWNED 6 - PUBLIC BODY	11. MARITAL STATUS 1 - MARRIED 2 - SEPARATED 3 - UNMARRIED (INCLUDES WIDOWED/DIVORCED)	12. VETERAN CODE 1 - YES 2 - NO	13. CREDIT REPORT 1 - YES 2 - NO
14. DIRECT PAYMENT (See FMI)	15. TYPE OF PAYMENT 1 - MONTHLY 2 - ANNUALLY 3 - SEMI-ANNUALLY 4 - QUARTERLY	16. FEE INSPECTION 1 - YES 2 - NO	
17. COMMUNITY SIZE 1 - 10,000 OR LESS (FOR SFH AND HPG ONLY) 2 - OVER 10,000		18. USE OF FUNDS CODE (See FMI)	
COMPLETE FOR OBLIGATION OF FUNDS			
19. TYPE OF ASSISTANCE (See FMI)	20. PURPOSE CODE	21. SOURCE OF FUNDS	22. TYPE OF ACTION 1 - OBLIGATION ONLY 2 - OBLIGATION/CHECK REQUEST 3 - CORRECTION OF OBLIGATION
23. TYPE OF SUBMISSION 1 - INITIAL 2 - SUBSEQUENT	24. AMOUNT OF LOAN		25. AMOUNT OF GRANT
26. AMOUNT OF IMMEDIATE ADVANCE		27. DATE OF APPROVAL MO DAY YR	28. INTEREST RATE %
29. REPAYMENT TERMS			
COMPLETE FOR COMMUNITY PROGRAM AND CERTAIN MULTIPLE-FAMILY HOUSING LOANS			
30. PROFIT TYPE 1 - FULL PROFIT 2 - LIMITED PROFIT 3 - NONPROFIT			
COMPLETE FOR EM LOANS ONLY		COMPLETE FOR CREDIT SALE-ASSUMPTION	
31. DISASTER DESIGNATION NUMBER (See FMI)		32. TYPE OF SALE 1 - CREDIT SALE ONLY 2 - ASSUMPTION ONLY 3 - CREDIT SALE WITH SUBSEQUENT LOAN 4 - ASSUMPTION WITH SUBSEQUENT LOAN	
FINANCE OFFICE USE ONLY		COMPLETE FOR FP LOANS ONLY	
33. OBLIGATION DATE MO DA YR		34. BEGINNING FARMER/RANCHER (See FMI)	

If the decision contained above in this form results in denial, reduction or cancellation of USDA assistance, you may appeal this decision and have a hearing or you may request a review in lieu of a hearing. Please use the form we have included for this purpose.

Position 2

ORIGINAL - Borrower's Case Folder

COPY 1 - Finance Office

COPY 2 - Applicant/Lender

COPY 3 - State Office

CERTIFICATION APPROVAL

For All Farmers Programs

EM, OL, FO, and SW Loans

This loan is approved subject to the availability of funds. If this loan does not close for any reason within 90 days from the date of approval on this document, the approval official will request updated eligibility information. The undersigned loan applicant agrees that the approval official will have 14 working days to review any updated information prior to submitting this document for obligation of funds. If there have been significant changes that may affect eligibility, a decision as to eligibility and feasibility will be made within 30 days from the time the applicant provides the necessary information.

If this is a loan approval for which a lien and/or title search is necessary, the undersigned applicant agrees that the 15-working-day loan closing requirement may be exceeded for the purposes of the applicant's legal representative completing title work and completing loan closing.

35. COMMENTS AND REQUIREMENTS OF CERTIFYING OFFICIAL

36. I HEREBY CERTIFY that I am unable to obtain sufficient credit elsewhere to finance my actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in or near my community for loans for similar purposes and periods of time. I agree to use the sum specified herein, subject to and in accordance with regulations applicable to the type of assistance indicated above, and request payment of such sum. I agree to report to USDA any material adverse changes, financial or otherwise, that occur prior to loan closing. I certify that no part of the sum specified herein has been received. I have reviewed the loan approval requirements and comments associated with this loan request and agree to comply with these provisions.

(For FP loans at eligible terms only) If this loan is approved, I elect the interest rate to be charged on my loan to be the lower of the interest rate in effect at the time of loan approval or loan closing. If I check "NO", the interest rate charged on my loan will be the rate specified in Item 28 of this form. _____ YES _____ NO

WARNING: **Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than five years, or both."**

Date _____, 20 _____

(Signature of Applicant)

Date _____, 20 _____

(Signature of Co-Applicant)

37. I HEREBY CERTIFY that all of the committee and administrative determinations and certifications required by regulations prerequisite to providing assistance of the type indicated above have been made and that evidence thereof is in the docket, and that all requirements of pertinent regulations have been complied with. I hereby approve the above-described assistance in the amount set forth above, and by this document, subject to the availability of funds, the Government agrees to advance such amount to the applicant for the purpose of and subject to the availability prescribed by regulations applicable to this type of assistance.

(Signature of Approving Official)

Typed or Printed Name: _____

Date Approved: _____ Title: _____

38. TO THE APPLICANT: As of this date _____, this is notice that your application for financial assistance from the USDA has been approved, as indicated above, subject to the availability of funds and other conditions required by the USDA. If you have any questions contact the appropriate USDA Servicing Office.

Form RD 1942-46
(Rev. 6-10)

UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT

FORM APPROVED
OMB NO. 0575-0015
OMB NO. 0570-0062

LETTER OF INTENT TO MEET CONDITIONS

Date _____

TO: United States Department of Agriculture

(Name of USDA Agency)

(USDA Agency Office Address)

We have reviewed and understand the conditions set forth in your letter dated _____. It is our intent to meet all of them not later than _____.

(Name of Association)

BY _____

(Title)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015 and 0570-0062. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Attachment - **Applicant Certification – Glover St. & Water Project**

WHEREAS, the Town of Twisp is applying to the Washington State Public Works Board for a low-interest loan for an eligible project; and

WHEREAS, RCW 43.155.070 requires that applicants planning under RCW 36.70A.040 must have adopted comprehensive plans in conformance with the requirements of chapter 36.70A RCW, and must have adopted development regulations in conformance with requirements of chapter 36.70A RCW; and

WHEREAS, RCW 70A.205.055 requires a comprehensive Solid Waste Management Plan to be adopted by the city or county; and

WHEREAS, RCW 70.235.070 requires Greenhouse Gas Emission Reduction requirement; and

WHEREAS, RCW 43.155.070(8) requires that solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70A.205.055 RCW.

WHEREAS, the applicant certifies that it has a currently adopted plan for each and every one of the systems it owns and operates and that these plans fully conform to the specifics within this application; and

WHEREAS, RCW 43.155.070 requires that county and city applicants must have adopted the local optional one-quarter of one percent Real Estate Excise Tax, as described in chapter 82.46 RCW; and

WHEREAS, the local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors; and

WHEREAS, the applicant states that their Capital Facility Plan is consistent with the Comprehensive Land Use Plan of the jurisdiction in which they provide service; and

WHEREAS, the local governing body has approved submission of this application to the Public Works Board; and

WHEREAS, the applicant certifies that, there is currently no litigation in existence seeking to enjoin the commencement or completion of the above-described public facilities project or to enjoin the applicant from repaying the loan extended by the Public Works Board with respect to such project. The applicant is not a party to litigation, which will materially affect its ability to repay such loan on the terms contained in the loan agreement.

WHEREAS, the applicant recognizes and acknowledges that the information in the application forms is the only information, which will be considered in the evaluation and/or rating process. Incomplete responses will result in a reduced chance of funding. In order to ensure fairness to all, the Public Works Board does not accept any additional written materials or permit applicants to make presentations before the Board; and

WHEREAS, it is necessary that certain conditions be met as part of the application process; and

WHEREAS, RCW 43.155.060(3) requires that the project will be advertised for competitive bids and administered according to standard local procedure; and

WHEREAS, the loan will not exceed the maximum amount allowed by the Public Works Board of eligible costs incurred for the project; and

WHEREAS, any loan arising from this application constitutes a debt to be repaid, and Randy Kilmer, Clerk Treasurer has reviewed and concluded it has the necessary capacity to repay such a loan; and

WHEREAS, the information provided in this application is true and correct to the best of the government's belief and knowledge and it is understood that the state may verify information, and that untruthful or misleading information may be cause for rejection of this application or termination of any subsequent loan agreement(s); and

NOW THEREFORE, the Town of Twisp certifies that it meets these requirements, and further that it intends to enter into a loan agreement with the Public Works Board, provided that the terms and conditions are satisfactory to both parties.

Signed:

Name:

Title:

Date:

Attachment - **Applicant Certification – Water System Plan**

WHEREAS, the Town of Twisp is applying to the Washington State Public Works Board for a low-interest loan for an eligible project; and

WHEREAS, RCW 43.155.070 requires that applicants planning under RCW 36.70A.040 must have adopted comprehensive plans in conformance with the requirements of chapter 36.70A RCW, and must have adopted development regulations in conformance with requirements of chapter 36.70A RCW; and

WHEREAS, RCW 70A.205.055 requires a comprehensive Solid Waste Management Plan to be adopted by the city or county; and

WHEREAS, RCW 70.235.070 requires Greenhouse Gas Emission Reduction requirement; and

WHEREAS, RCW 43.155.070(8) requires that solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70A.205.055 RCW.

WHEREAS, the applicant certifies that it has a currently adopted plan for each and every one of the systems it owns and operates and that these plans fully conform to the specifics within this application; and

WHEREAS, RCW 43.155.070 requires that county and city applicants must have adopted the local optional one-quarter of one percent Real Estate Excise Tax, as described in chapter 82.46 RCW; and

WHEREAS, the local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors; and

WHEREAS, the applicant states that their Capital Facility Plan is consistent with the Comprehensive Land Use Plan of the jurisdiction in which they provide service; and

WHEREAS, the local governing body has approved submission of this application to the Public Works Board; and

WHEREAS, the applicant certifies that, there is currently no litigation in existence seeking to enjoin the commencement or completion of the above-described public facilities project or to enjoin the applicant from repaying the loan extended by the Public Works Board with respect to such project. The applicant is not a party to litigation, which will materially affect its ability to repay such loan on the terms contained in the loan agreement.

WHEREAS, the applicant recognizes and acknowledges that the information in the application forms is the only information, which will be considered in the evaluation and/or rating process. Incomplete responses will result in a reduced chance of funding. In order to ensure fairness to all, the Public Works Board does not accept any additional written materials or permit applicants to make presentations before the Board; and

WHEREAS, it is necessary that certain conditions be met as part of the application process; and

WHEREAS, RCW 43.155.060(3) requires that the project will be advertised for competitive bids and administered according to standard local procedure; and

WHEREAS, the loan will not exceed the maximum amount allowed by the Public Works Board of eligible costs incurred for the project; and

WHEREAS, any loan arising from this application constitutes a debt to be repaid, and Randy Kilmer, Clerk Treasurer has reviewed and concluded it has the necessary capacity to repay such a loan; and

WHEREAS, the information provided in this application is true and correct to the best of the government's belief and knowledge and it is understood that the state may verify information, and that untruthful or misleading information may be cause for rejection of this application or termination of any subsequent loan agreement(s); and

NOW THEREFORE, the Town of Twisp certifies that it meets these requirements, and further that it intends to enter into a loan agreement with the Public Works Board, provided that the terms and conditions are satisfactory to both parties.

Signed:

Name:

Title:

Date:

Attachment - **Applicant Certification – Painter’s Addition Emergency Egress Project**

WHEREAS, the Town of Twisp is applying to the Washington State Public Works Board for a low-interest loan for an eligible project; and

WHEREAS, RCW 43.155.070 requires that applicants planning under RCW 36.70A.040 must have adopted comprehensive plans in conformance with the requirements of chapter 36.70A RCW, and must have adopted development regulations in conformance with requirements of chapter 36.70A RCW; and

WHEREAS, RCW 70A.205.055 requires a comprehensive Solid Waste Management Plan to be adopted by the city or county; and

WHEREAS, RCW 70.235.070 requires Greenhouse Gas Emission Reduction requirement; and

WHEREAS, RCW 43.155.070(8) requires that solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70A.205.055 RCW.

WHEREAS, the applicant certifies that it has a currently adopted plan for each and every one of the systems it owns and operates and that these plans fully conform to the specifics within this application; and

WHEREAS, RCW 43.155.070 requires that county and city applicants must have adopted the local optional one-quarter of one percent Real Estate Excise Tax, as described in chapter 82.46 RCW; and

WHEREAS, the local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors; and

WHEREAS, the applicant states that their Capital Facility Plan is consistent with the Comprehensive Land Use Plan of the jurisdiction in which they provide service; and

WHEREAS, the local governing body has approved submission of this application to the Public Works Board; and

WHEREAS, the applicant certifies that, there is currently no litigation in existence seeking to enjoin the commencement or completion of the above-described public facilities project or to enjoin the applicant from repaying the loan extended by the Public Works Board with respect to such project. The applicant is not a party to litigation, which will materially affect its ability to repay such loan on the terms contained in the loan agreement.

WHEREAS, the applicant recognizes and acknowledges that the information in the application forms is the only information, which will be considered in the evaluation and/or rating process. Incomplete responses will result in a reduced chance of funding. In order to ensure fairness to all, the Public Works Board does not accept any additional written materials or permit applicants to make presentations before the Board; and

WHEREAS, it is necessary that certain conditions be met as part of the application process; and

WHEREAS, RCW 43.155.060(3) requires that the project will be advertised for competitive bids and administered according to standard local procedure; and

WHEREAS, the loan will not exceed the maximum amount allowed by the Public Works Board of eligible costs incurred for the project; and

WHEREAS, any loan arising from this application constitutes a debt to be repaid, and Randy Kilmer, Clerk Treasurer has reviewed and concluded it has the necessary capacity to repay such a loan; and

WHEREAS, the information provided in this application is true and correct to the best of the government’s belief and knowledge and it is understood that the state may verify information, and that untruthful or misleading information may be cause for rejection of this application or termination of any subsequent loan agreement(s); and

NOW THEREFORE, the Town of Twisp certifies that it meets these requirements, and further that it intends to enter into a loan agreement with the Public Works Board, provided that the terms and conditions are satisfactory to both parties.

Signed:

Name:

Title:

Date:



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

June 22, 2023

The Honorable Soo Ing-Moody, Mayor
Town of Twisp
118 S Glover St
Twisp, WA 98856
townmayor@townoftwisp.com

Andrew Denham
Town of Twisp
118 S Glover St
Twisp, WA 98856
publicworks@townoftwisp.com

Re: Binding Commitment for Funding
Washington State Water Pollution Control Revolving Fund (Revolving Fund)
Funding Cycle 2023
Project Name: Twisp Treatment Works Improvements
Agreement Number: WQC-2022-TwisPW-00057

Dear Mayor Ing-Moody:

The Washington State Department of Ecology (Ecology) offered The Town of Twisp a \$3,238,938 Washington State Water Pollution Control Revolving Fund (Revolving Fund) loan at a 0.4% percent interest rate for a term of 20 years, \$4,516,178 Forgivable Principal loan, and \$4,224,884 grant from Centennial, in accordance with the State Fiscal Year 2023 Final Water Quality Funding Offer List Intended Use Plan (Final List). The offer is contingent on the timely completion of all local, state, and federal funding prerequisites.

Ecology and the Town of Twisp experienced delays in agreement development. Ecology is committed to providing the loan to the Town of Twisp if all requirements can be met.

This letter serves as Ecology's official Binding Commitment to provide funding from the Revolving Fund for the above-mentioned project. This Binding Commitment meets the requirements in the 2020 Operating Agreement between Ecology and the U.S. Environmental Protection Agency (EPA) to have funds obligated within one year of issuance of the Final List by June 30, 2023.

Please reply by **June 30, 2023**, if the Town of Twisp intends to meet all local, state, and federal requirements and execute the loan.

Ecology's binding commitment will expire on December 31, 2023. If all state, federal, and local requirements are not met by this date, Ecology will rescind the funding offer and redistribute the Revolving Funds to other water quality projects.

Ecology appreciates your commitment to improving Washington's water quality and look forward to working with you to complete this important water quality project.

If you have question or need additional information, please contact Jeff Nejedly, Financial Management Section Manager, at jeffrey.nejedly@ecy.wa.gov or (360) 878-4913.

Sincerely,



Vincent McGowan, P.E.

Water Quality Program Manager

cc: Randy Kilmer, Town of Twisp
David Matthews, Ecology
Shelly McMurry, Ecology
Jeanna Ridner, Ecology

WARRANT/CHECK REGISTER

Town Of Twisp

Time: 15:27:00 Date: 06/26/2023

06/15/2023 To: 06/30/2023

Page: 1

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
1235	06/26/2023	Claims	1	EFT	ST of WA Dept. Revenue	4,692.69	
1258	06/27/2023	Claims	1	EFT	US Dept. of Ag. Rural Develop	683.00	
1259	06/27/2023	Claims	1	37902	Ardurra	40,566.85	
1260	06/27/2023	Claims	1	37903	Chelan County Treasurer	1,300.00	
1261	06/27/2023	Claims	1	37904	Confluence Health	256.00	
1262	06/27/2023	Claims	1	37905	David Ebenger	550.00	
1263	06/27/2023	Claims	1	37906	FP Mailing Solutions	153.27	
1264	06/27/2023	Claims	1	37907	Soo Ing-Moody	63.00	
1265	06/27/2023	Claims	1	37908	Dennis Jones	2,717.50	
1266	06/27/2023	Claims	1	37909	Randahl S Kilmer	294.88	
1267	06/27/2023	Claims	1	37910	Evangeline Lamb	750.00	
1268	06/27/2023	Claims	1	37911	M.V. Community Center	2,990.00	
1269	06/27/2023	Claims	1	37912	National Barricade & Sign Co	288.06	
1270	06/27/2023	Claims	1	37913	Ok Co Electric Cooperative Inc	121.76	
1271	06/27/2023	Claims	1	37914	Ok Co Energy, Inc.	4,177.16	
1272	06/27/2023	Claims	1	37915	Okanogan County Building Dept.	3,240.00	
1273	06/27/2023	Claims	1	37916	Okanogan County Sheriff's Off	13,500.00	
1274	06/27/2023	Claims	1	37917	Orca Information, Inc.	53.00	
1275	06/27/2023	Claims	1	37918	PUD No 1 of Okanogan County	5,655.42	
1276	06/27/2023	Claims	1	37919	Planet Turf	613.54	
1277	06/27/2023	Claims	1	37920	RC Delivery, Inc.	25.00	
1278	06/27/2023	Claims	1	37921	Rudnick & Sons, LLC	11,673.89	
1279	06/27/2023	Claims	1	37922	Theresa A Ruggiero	264.36	
1280	06/27/2023	Claims	1	37923	Special Asphalt Products, INC.	2,404.67	
1281	06/27/2023	Claims	1	37924	USA BlueBook	545.51	
1282	06/27/2023	Claims	1	37925	Utilities Underground	23.22	
1283	06/27/2023	Claims	1	37926	Wilson Engineering	817.50	
001 General Fund						29,301.48	
003 TIB - 2023 Crack Seal						2,404.67	
004 TIB - Overlay - 4th, 5th, Lincoln						12,176.10	
008 Canyon Street Bus Stop						11,673.89	
101 Street Fund						3,852.81	
224 Debt Service - General Fund						683.00	
401 Water Fund						5,399.48	
404 Sewer Fund						4,800.60	
406 CWSRF - WWTP Facility Plan						28,128.25	
						<hr/>	
						98,420.28	Claims: 98,420.28

WARRANT/CHECK REGISTER

Town Of Twisp

Time: 15:27:00 Date: 06/26/2023

06/15/2023 To: 06/30/2023

Page: 2

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
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CERTIFICATION: I, the undersigned do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described and that the claim is a due and unpaid obligation against the Town of Twisp and that I am authorized to authenticate and certify to said claim.

Clerk/Treasurer _____ **Date:** _____

Council Signatures:

Hans Smith _____

Mark Easton _____

Alan Caswell _____

Aaron Studen _____

Katrina Auburn _____

WARRANT/CHECK REGISTER

Town Of Twisp

Time: 15:26:38 Date: 06/26/2023

06/15/2023 To: 06/30/2023

Page: 1

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
1202	06/15/2023	Payroll	1	EFT		850.00	
1203	06/15/2023	Payroll	1	EFT		1,300.00	
1204	06/15/2023	Payroll	1	EFT		1,300.00	
1205	06/15/2023	Payroll	1	EFT		1,400.00	
1206	06/15/2023	Payroll	1	EFT		1,300.00	
1207	06/15/2023	Payroll	1	EFT		1,560.00	
1208	06/15/2023	Payroll	1	EFT		750.00	
1209	06/15/2023	Payroll	1	EFT		1,350.00	
1211	06/15/2023	Payroll	1	EFT	Internal Revenue Service	1,368.47	
001 General Fund						11,178.47	
						11,178.47	Payroll: 11,178.47

CERTIFICATION: I, the undersigned do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described and that the claim is a due and unpaid obligation against the Town of Twisp and that I am authorized to authenticate and certify to said claim.

Clerk/Treasurer _____ **Date:** _____

Council Signatures:

Hans Smith _____

Mark Easton _____

Alan Caswell _____

Aaron Studen _____

Katrina Auburn _____